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The
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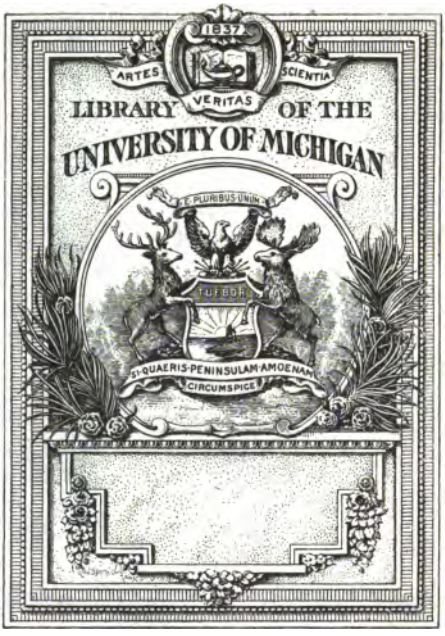
By J. W. Curtis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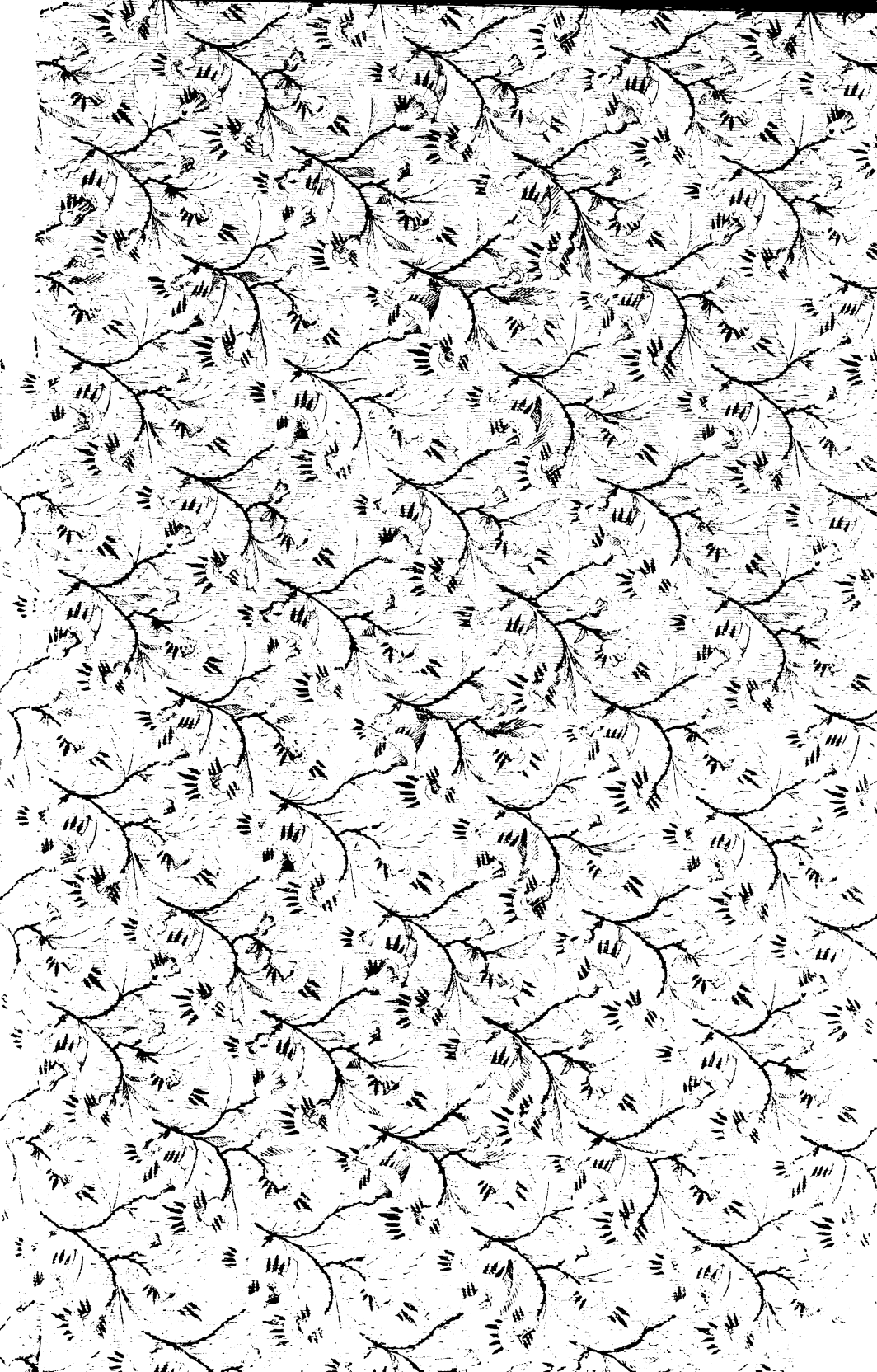

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THE

MORMON PROBLEM

THE

NATION'S DILEMMA.

NEW DATA, NEW METHOD,

INVOLVING

LEADING QUESTIONS OF THE DAY.

By T. W. CURTIS.

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By T. W. CURTIS.

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PREFACE.

The Mormon problem is related to some of the deeper problems of civilization, as well as to questions of the greatest practical moment; while it also offers some of the finest, truest lessons, in the ethics of reform. But we have lived virtually under a reign of terror as regards this question. There are few persons who cannot tell how the Mormons should be dealt with, but not one in ten thousand has taken any pains to get at the truth; while the silence of a large class accustomed to think for themselves is one of the strangest features of the controversy. Nothing will prove truer than that Mormonism is providential in being the means of emphazing reforms which the conceit or lethargy of an age is wont to leave to chance or fate. It is time this anti-Mormon crusade were at an end, and a reform inaugerated whose life is the music of principle. The course hitherto pursued toward Utah, even though it were to end in the suppression of polygamy, must partake more of the nature of defeat than of victory. The future must reveal the lack of principle or wisdom in that legislation which betrays no consciousness of the fact, that the difficulties of this Mormon problem are closely allied to questions with which we are confronted outside of Utah, and that call for faithful study by the American people. Our

differences with the Mormons are but the entering wedge of a controversy whose opposing forces are both Gentile, and whose battle ground is modern society itself.

To bring these issues out into bold relief, is the aim of this treatise. False data and a false method have shaped this discussion throughout the past, giving place to the dogmatic instead of the scientific spirit, and making of our actions a many-stranded sophistry instead of a cordon of justice and reason. My plea is for methods more rational and more in keeping with the spirit of our institutions and of the age. Candor before cannon; mind before brute force.

But the status of the question at the present time bids me declare, that the admission of Utah into the Union would be a material advantage, a moral gain, to the Nation, and a most tardy act of political justice. If the state of our laws, and the condition of our society, are such as to give support to polygamy in Utah as a State, whose fault is it? What a confession to make, that to prevent the establishment of polygamy, we have to resort to the most arbitrary power, and to systematic unparalleled misrepresentation of the people against whom that power is exercised! But the truth is, such use of power has no warrant in the Constitution, nor in the dictates of reason or humanity, and that Mormonism is a source of less danger in either a political or moral sense, than elements that abound throughout the Nation, and even shape the policies of the Nation.

Polygamy is only the marriage question in disguise, than which few others stand more in need of a searching analysis at this day. Monogamy, or the one wife system, I believe to be

the true relation of the sexes, the ideal of an advancing civilization; and polygamy to be but a transitional form of marriage, which it is to be hoped the world has passed beyond. But there are practices, not uncommon, in our social state, compared with which plural marriage is honorable, celestial. But other questions are embraced in the discussion, and as essential and not incidental factors, such as the relations of the Government to the Territories, State Rights, Woman's Rights, Church and State, &c. And Mormonism, as a social force, has itself become one of the principal factors in the argument.

The crisis in the Mormon question is close at hand; and let that man or woman who feels aught of responsibility in issues as grave as those involved, stand by the right.

THE MORMON PROBLEM.

CHAPTER I.

THE NATION'S DILEMMA.

THE ISSUES.

THE issues involved in the Mormon problem show that the Nation's dilemma is this: make amendments to the Constitution of the United States, secure radical changes in the marriage laws of the country, and effect a considerable reformation in the morals of society, or admit Utah into the Union. If the Nation is not prepared to take up this triple task, it will be seen not to possess either the moral or legal right to suppress Mormon polygamy, or to compel Utah to remain a Territory.

1. Is not the relation of the Government to the Territories capable of a definition more exact and republican in character than in the clause: "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States"?

What form of words could confer more absolute power on a Government, or place a people more completely at the mercy of a legislative body? Did Great Britain ever claim more, or indeed, as much? The question is whether this clause was ever meant to apply to Territories, whether in substituting the large "T" for the small "t," making "territory and other property," read "Territories and their inhabitants," we are not violating both the letter and the spirit of the Constitution. (See page 44)

2. Do not the plain dictates of justice demand that polygamy be distinguished from the crimes of bigamy, slavery, and murder with which it has been so much confounded in law or in argument?

It has been contended that the term bigamy includes polygamy; but that would not mend the matter, when both offences are visited with the same penalty. The present age ought surely to distinguish between the two offences—marrying a second time *with* the knowledge and consent of all the parties, and *without* the knowledge and consent of any of the parties. And the likening of plural marriage to murder (for judges on the bench have delighted in the comparison) illustrates the temper of mind with which we have approached this question. (See page 21.) The twin relic idea is familiar to everybody. (See page 37.)

3. Is this law designed to reach the polygamist, and not the man who cohabits with more than one woman, but recognizes one only as his wife?

The Edmunds law *appeared* to be consistent in declaring polygamy *and* cohabitation with more than one woman to be a crime, but the Utah Commission and the Courts decided that the crime consists in living with more than one woman "in the marriage relation!" Is that the decision of the American people? (See page 22–55.

4. Is there not an inconsistency in suppressing by the male vote alone, the practice of polygamy, which has the support of the vote of both sexes where it exists?

It would alter the complexion of the question if woman suffrage did not exist in Utah, and still more, if it did exist in the United States. Marriage is a question, in which woman is equally interested with man. Our marriage laws are man-made, and bear evident marks of their origin. Monogamy may be best for woman, but that is not for man to say. (See page 33.)

5. Are we justified in denying to a community, large as to numbers, and including both sexes, the right to attempt any new experiment in the matter of the relation of the sexes?

The principle of self-government surely gives the right of inaugurating new reforms. And the present state of society certainly calls for some amendment. And in the case of the people of Utah, we find great numbers, and singular unanimity, joined with the rights which Statehood ought to give, and added to these tests, the good results of the experiment, or the absence of any evil results.

6. Are there not circumstances belonging to the social condition of our time which would give to polygamy, even if it were not the true relation of the sexes, a relative value, and make it subservient to a good end?

The idea of the relative value of a principle or custom, has been allowed no place in this discussion. We say polygamy is anti-republican, but have in mind the polygamy of the far East, or some remote age, and a republicanism, which is ideal and does not exist. We refuse to look at the evils of our social system. Is not polygamy better than prostitution, promiscuity, adultery or infidelity? We may say we will have none of them, but what say the facts? We may talk about the future, but what have we to say of the present?

7. If the character of the Mormon people, as also of polygamy, do not correspond with the conception so long had of them, is not the status of this whole Mormon question likely to be changed thereby?

Polygamy painted at its blackest has given its hue to the life and character of the Mormon people, while Mormonism, conceived as the worst of superstitions, has been made to deepen the criminality of the offence we have assumed the right to punish. (See page 7.)

8. Is not the Mormon cause strengthened by the fact that the world's religion, Christianity, is based on Revelation, and on a book which sanctions or upholds polygamy?

The world seems pretty well agreed that Mormonism is not Christianity; but the Mormon claims to be a Christian, and accepts the Bible as authority. But the world is hardly agreed as to what Christianity is, or what the Bible teaches.

9. Should not the Religious Amendment to the United States Constitution,—"Congress shall make no law respecting an establishment of religion or prohibit the free exercise thereof,"—say

whether the States as well as the Nation are to be bound by it, and whether the "free exercise" of religion is not to be limited by private right and the public welfare?

The practices and laws of the country show that this Amendment has been understood to imply an exception in favor of Theism, or of Christianity rather; and also to leave the States the right to legislate on matters of religion. The present arrangement appears to be one of compromise between the Catholic and Protestant interest. (See page 40.)

10. Is a nation in whose practices there is a recognized relation between Church and State, in a position to legislate for a community on the ground of an alleged union of Church and State?

That there is a form of union between Church and State in these United States none can deny. To what extent and by what right it exists, are questions the public seems to have troubled itself little about, but which the least reflection must prove to be of great moment in this discussion. What is good for Gentile is good for Mormon. (See page 40.)

11. Would not a National utterance on marriage, furnishing a basis for State Legislation, be necessary to prevent polygamy coming into existence in any State, old or new?

Before this anti-polygamy law was passed by Congress, there was nothing in the United States Constitution, or its laws, touching the subject of marriage in any way; and this new law now enacted, has no force in any State of the Union, now or hereafter admitted. (See page 30.)

12. Would a National law on marriage and divorce be in keeping with democratic principle, and receive the approval of States and people?

No one denies that it was the design of the framers of the Constitution to leave to each State the control over marriage. And now that we refuse at so important a juncture to pass a national marriage law (when the marriage laws of the States are so very conflicting, and polygamy is springing up in Territories ready to become States), what is the inference to be drawn, but that we care not, or dare not, to take this right away from the States? (See page 30.)

13. Is not the marriage contract, its nature and sanction, so vague and undefined, both in law and the popular understanding, as to be the cause of conflict between the civil and ecclesiastical powers, and prevent any intelligent action on the part of the people in their capacity as voters?

The status of marriage and divorce is one of the most unsettled questions of the day. Our legislation on no one subject is so full of contradictions. There is a conflict not only between the civil and ecclesiastical powers, but between the civil authorities, and also the ecclesiastical authorities, themselves. Marriage is called both a civil and a sacred contract, but in what sense civil, and in what sense sacred, our laws are not agreed, neither are church canons agreed. And whether monogamy prevails among us because of some English Statute, or the English Common Law, or some legislation of our own, jurists seem not to be agreed. There are also many other differences, as to whether divorce or second marriages should be allowed; and last but not least, what are the rights of man and woman in the marriage relation? (See page 29.)

These are the real issues; and they have not been met because it has seemed to us like a condescension to reason, an act of charity to consent to be interrogated. We have never suspected our misinformation as to facts, never made any allowance for the unpopularity of the Mormons, and have treated the question as simple, while it is very complex. The Mormon people we are disposed to judge by ideal tests and standards, while denying to them the right to scan our own governmental machinery and social life. Rumor has been good enough authority for anything against the Mormons, while facts and figures have availed little or nothing when in their favor. What chance is there for justice being done a people who are despised and outlawed, with no voice in public affairs, and with press and pulpit closed against them? And yet we charge it as a crime against the Mormons that they should vote as a unit, while we praise the minority in Utah for doing the very same thing; the one being actuated by the best of motives, and the other by the worst! We care not to ask ourselves whether that class of persons are so small who cannot resist the temptation to misrepresent a people in order to turn them out of office and home, and heap insult on their altars and their deities. Nor do we reflect how easy it is for Congress to draw up an indictment against the Mormons, when its power over the Territories is supposed to be so absolute, and Christendom is ready to applaud any affront offered this new upstart community. Did we ever think that, if the government's policy of non-interference played into the hands of persecution in those times when the Mormons, being weak, were driven from State to State, its policy of interference, now the Mormons are strong, may not be of service in the same way? We see nothing unjust in talking about Utah's misdeeds, and saying nothing about her deeds of worth, which thus far have counted for nothing in the scale of moral and political estimates. What difference has it made if Utah's people were the pioneers of the Great West, unfurled the Stars and Stripes over what was then Mexican Territory, built towns and cities in a region pronounced uninhabitable, and were the first petitioners to Congress for a trans-continental telegraph and railway, in whose construction they lent a helping hand? Then, what if after having been represented by us as a sink of iniquity, the Mormon community proves not one whit behind its ruthless critics in moral quality and aim? Utah's long exclusion

from the Union, while other Territories, one after another, are upraising the shield of State sovereignty, is not felt by us to be any infringement of the principle of self-government on which this Republic rests. We in the East, secure in rights won for us by our fathers in bloody battle, and enjoying the benefits of a *refined* civilization, continue sending officials to rule Utah.

How many know that the Mormons were driven from State to State before polygamy was ever known among them? that those (the males) now practising plural marriage, do not exceed more than two per cent. of the entire membership of the Church? that the practice was avowed full ten years before Congress took any notice of it, and twenty-seven years elapsed before the constitutionality of the law against it could be tested? that this law was passed in war-times, and the party that passed it did nothing really in twenty years, from 1862 to 1882, to enforce it, and passed its last law, the Edmund's bill, on the eve of a Presidential election, as if to win votes at a time when the party's overthrow was apprehended? And this law, whose characteristic is disregard of all law, is entrusted to a Commission with the most extraordinary powers, whose word disfranchises thousands of citizens, sets aside legislative statutes, punishes those who entered into polygamy before there was any law against it, and those who have ceased to practise it, breaks up homes, brands with infamy wives, mothers and children, and unsettles the business interests of a great community! And all for what? When Mormon society is assimilated to our own, and the practices so rife in the one are substituted for the polygamic customs of the other, what principle is honored, and how much has Utah gained? Will the morals of the Nation be any better off, and will the people of Utah no more be subject to anti-Mormon laws administered by anti-Mormons?

That class of mind which is wont to emphasize the moral aspects of all public questions, seems awed into silence this time by public clamor. The belief in Revelation alone has united against the Mormons, the orthodox and unorthodox forces of the time; the anti-theological faction following meekly the lead of the Church. How unlike anti-Slavery times! When will the reformer have courage to hint that our horror of Mormon iniquity is in large part fictitious, if not hypocritical, and that we have confounded the wish with the right to suppress it; and the courage to remind the Nation that civilization's greatest fallacy is excellent precept and poor example, and that democracy exists only where

the love of truth and fair play is instinctive in the masses and the ruling passion of the body politic. We dare not demand justice for the Mormons as that would be to defend them, and we dare not allow polygamy as that would be to endorse it.

The sooner we are rid of the idea that it is our duty to keep Utah a Territory until it ceases to be Mormon, the better it will be for the liberties of our country, as that idea is fraught with infinite mischief to the institutions of a free people; it has proven the worst of follies, and is now becoming the worst of crimes. How appear the scenes of Missouri and Illinois now on the pages of history? What became of the Mormon exodus of 1847? What has taken place we may be sure is due to the relentless logic of historic justice. The best policy to be pursued toward Utah is to bring its people into still closer relations with us, to invoke no other agency for the correction of its errors than those in force throughout the Union, and to trust much to the influences of that civilization of which we boast so much. Is it taking sides with Mormonism to say that, as a result of our legislation, the Mormon women will be truer to their religion and their husbands, that the funds, the resources of the Mormon Church, will be augmented, that Mormon emigration will grow larger instead of less, that the lukewarm will feel the increase of zeal among the faithful, and the rising generation will be stirred into a more chivalric attachment to the cause for which its parents have suffered so much. But the truth is, there is no experiment left us but the admission of Utah as a State, and that act will increase the prestige because in keeping with the principles and magnanimity of this great Nation. Then polygamy will be subjected to its true and proper tests, and the Nation will realize more fully what its duties are in the premises, for Mormon and Gentile will be on an equality before the law, *before the Constitution of the United States.*

To ask more than this is to concede to Mormonism more than we dream of; for it is a proof we not only fear it, but have lost faith in our own principles and theory of government. But conscience will yet speak. Issues long smothered will find a voice, and prove both their moral and legal priority to all others; and the result will be that righteousness will triumph in the admission of Utah among the sisterhood of States. The greatest force upon this continent is not the *votes* of the American people, so much as the *conscience* which gives those votes their *power;* and it is to this conscience I make my appeal.

CHAPTER II.

MORMON CREDENTIALS.

THE importance of the question of the intellectual and moral status of the Mormon people, must be conceded on all hands. "By their fruits ye shall know them." But the question must have a double significance, if the judgment passed on the Mormons is invalidated, instead of being supported, by facts. A reversal of the picture to which our minds have been so long accustomed, must arraign our whole course of action, for it cannot be denied that this prejudice has served as a leverage for legislation from the beginning up to this moment, disposing the public to give a ready and facile assent to anti-Mormon measures of whatever kind. And who can compute the injury done a people, by wholesale misrepresentations, so persistent, so unrelenting? Now there is scarcely a virtue we have been willing to allow the Mormon, and scarcely a crime with which he has not been charged. This is a phase of the question to which little or no attention has been given.

THE CHARGES.

When the first anti-polygamy bill was under discussion, the member of the House who reported the bill, said: "I do not know that we could have looked for a different state of things in that Territory, considering the character of the people who have taken possession of it. We certainly had no right to expect from them any very high degree of morality. The disciples of Mormonism might not be expected to display a very exemplary conduct. Not only was it not to be expected, but perhaps it was not to be desired that the result should have been different. It was fit and it was fortunate that so low and degrading an imposture should reveal itself in its devilish fruits." Another member speaks thus: "What person of pure sensibilities and pious aspirations but is shocked by the bestial abominations of that outcast community. Let us not hesitate because of any scruples of legal technicality to employ the most efficacious expedient for its suppression within

the limits of the Republic." "Polygamy," says one, "is subversive of good morals, and offensive in the sight of God and man." One asserts, that "The Government of the Mormons is a hierarchy, concentrated in one man, who exerts an absolute temporal and spiritual power over his followers." "A faith," said another, "which commands a violation of the rights of hospitality, sanctifies bloodshed, enforces the systematic degradation of woman, not only permits, but orders the commission of the vilest lusts in the name of the Almighty God himself, and teaches that it is a sacred duty to commit the crimes of theft and murder." As late as 1884, an Illinois Senator said: "They have been at war with good society and good morals wherever they have secured a foothold. By a well-organized system of emigration they are bringing to this country every year thousands of paupers from the Old World. It would be mercy to this misguided people, Mr. President, to adopt such measures as may be necessary to release them from the domination of their priestly enslavers." All this being true, it is not surprising that the President's Message of 1884 should declare the condition of things in Utah such as to "impose upon Congress and the Executive the duty of arraigning against this barbarous system all the power which under the Constitution and the law they can wield for its destruction."

The Mormons are therefore charged with being ignorant and licentious, and having but one policy, to exclude the light. I will now adduce certain facts which will decide whether the Mormon system shuts out or includes freedom and enlightenment, whether it is a sink of iniquity or the preserver of purity and of chastity. The gravest charges that can be made against any people are touching the matters of education and morality, which are the true tests of a people's character.

MORALITY.

The Mormon Church is officered mainly by Americans, its earliest converts being principally of that class. And now a number of generations is to be seen in the bud, as it were, on this parent stem. In 1860, the proportion of converts from the different countries was as follows: New York, 10,000; New England, 20,000; England and Scotland, 32,000; Ireland, 1,000; Italy, 50.

Germany and Sweden, in more recent years, have furnished a large quota.

The charge is often heard that Mormon emigration consists of paupers and criminals. Such a report was made last summer to the Government at Washington by a United States consul, with reference to a company of Mormons that were on their way from Europe. On the arrival of the steamer, the human freight was inspected by a Government agent, whose report was a flat contradiction of the charge of the gentleman with an "Honorable" attached to his name. A shipping agent for a line of steamers from Liverpool, says: "The class of persons in the Mormon emigration are generally intelligent and well-behaved, and many of them are highly respectable. The means taken by this people for the preservation of order and cleanliness on board are admirable, and worthy of imitation." His testimony may serve as a reply also to the charge of the poverty and destitution of the Mormon emigrant. "It is a general complaint with captains that the quantity of luggage put on board with Mormons, quite takes him by surprise, and often sinks the ship upwards of an inch deeper in the water than he would otherwise have allowed her to go."

But suppose it were true, is it to the discredit of Mormonism, that it works among the lower strata of society? To the poor the gospel is preached. But how do you account for the following facts:

What is their condition in Utah? Of its one hundred and seventy-five thousand population, twenty-five thousand only are Gentile. But this minority is distinguished in certain ways. It fills nearly every position of influence and emolument from the governorship down, this being one of the phases of civil service reform in Utah. Of the two hundred saloons, billiard rooms, and bowling alleys, a dozen are Mormon, or profess to be. All of the bagnios and other disreputable concerns are run and sustained by anti-Mormons. Ninety-eight per cent. of the gamblers are of the same element, as are ninety-five per cent. of the lawyers. Eighty per cent. of the litigation is from the same source. Ninety per cent. of the suicides are non-Mormon, as are also eighty per cent. of the homicides and infanticides. Of the one thousand arrests in Salt Lake City for the year 1881, one hundred and fifty were Mormons, eight hundred and fifty were anti-Mormons. In 1878, it could be said that out of the twenty counties of the Territory, most of which are

populous, thirteen were without a dram-shop, brewery, gambling-house, billiard-room, or brothel, lawyer, doctor, parson, beggar, or politician.

Utah Territory has no bonded debt; nor have any of the cities or counties, excepting Salt Lake City, and that is slight. Ninety-five per cent. of the Mormon people live in their own houses on their own lands, for which they hold deeds in their own names. Small divisions of land and high cultivation are the rule. There are 10,000 farms containing an average of 25 acres. And it speaks well for the people that though the known arable land was at first small, and the available streams few, lawsuits over land titles and water rights are almost unknown. Land jumping has been confined to new-comers, who took a fancy to the improved lands. The annual product of the 1000 manufacturing establishments, of various kinds, exclusive of bullion, is not less than $5,000,000. The annual imports of the Territory are about $10,000,000, the annual exports about $12,000,000.

Salt Lake City has its water-works, gas-works, electric lights, street railways, etc. A visitor to Salt Lake says: "I have to admit I never gazed upon a scene so charming or so picturesque as the one presented in looking over Salt Lake Valley, from the bench behind the city. There are among the Mormons many clever people—scientific architects, skilful artizans, and tasteful landscape gardeners. This is indicated by their public buildings, their workshops and factories, their private dwellings and their grounds. The roof of their Tabernacle (150 by 250 ft.) rests upon the walls without any other support. The granite Temple, when completed, will be surpassed by no building in the western hemisphere, in solidity, or appropriate and beautiful architecture. The organ, built entirely by the Mormons, is second in size to only one in the United States, and is excelled by none in tone and beauty. Many private dwellings are handsome, and gardens are models of taste and culture."

It was Brigham Young who first asserted that the transcontinental railway was an immediate possibility. And it may be truly said that to the settlement of this inter-mountain region by the Latter Day Saints, the world is indebted in no small degree for the speedy accomplishment of that great work. As early as 1849 the people of Utah memorialized Congress on the subject of railway and telegraph lines from the Missouri to the Pacific, and when the work was begun Utah furnished labor and supplies.

The present railway mileage in Utah is 1084 miles. There are about 1600 miles of telegraph lines.

The largest, most perfect system of co-operation, I believe, in America, exists among the Mormons. George Jacob Holyoake would be in his element there, or rather he would find his vocation gone. He might not be displeased to hear that co-operation among them is known by the name of the Order of Enoch, which is to make the city of the saints fit for translation to the skies, or the earth rather a fit abode for celestial beings. Zion's Co-operative Mercantile Institution has a cash capital of $1,000,000. It pays $400,000 for freight, and its sales aggregate about $4,250,000. This is the parent Institution. There are scores of co-operative stores throughout the Territory.

In temperance reform, it may not be too much to say the Mormons lead the world; and this is due to a revelation given to Joseph Smith, entitled "The Word of Wisdom." It teaches that life and health, mental and bodily vigor, depend on abstinence from strong drink, tobacco, and flesh also, excepting in times of winter or famine.

The Mormons have distanced the Quakers in their peaceful policy with the Indians. "We are taught," says A. Milton Musser, "to treat the Indians with kindness and consideration, and never to take advantage of their ignorance in purchasing their land claims, robes, buckskins or furs. Our course has always been to feed, clothe and teach them the arts of civilization, and to school their children. No half-breed Mormon-Indian children are found in all our borders."

In Utah there is an unrestrained exercise of faith and worship. And throughout the territory are found the churches and schools of Catholics, Hebrews, Presbyterians, Congregationalists, Methodists, Baptists, Unitarians, Episcopalians, Spiritualists and Independents. Brigham Young gave a thousand dollars toward the erection of non-Mormon edifices; and other Mormons have contributed liberally to the support of non-Mormon churches, schools and institutions. The following act may be truly said to be characteristic:

To the Honorable the Mayor and City Councillors of Salt Lake City:
Gentlemen:

Feeling the very high compliment paid to myself and the members of my congregation by your honorable body, in presenting,

free of charge, the use of the council chamber in the City Hall, for holding divine service, as I may require pending the completion of my church; I would beg hereby to tender my acknowledgment, as also that of the Catholic community, for the favor conferred, as also for the very kind and liberal spirit in which it was done.

P. WALSH,

Pastor St. Mary Magdalen Church.

SALT LAKE CITY, *Sept.* 30, 1871.

EDUCATION.

A New York journal recently spoke of "the successful establishment in Utah of purely hierarchical schools in the interests of a despotism, compared with which Romanism is an embodied sermon on the Mount," and asserted that "the Mormon hierarchy teach polygamy as a religious duty at public expense," that "the Book of Mormon and Doctrine and Covenants hold an honored place in the curriculum," and that "the teacher is certain to be a faithful and earnest follower of Joseph Smith." In a Boston journal, the following suggestion was lately made: "Would it not be wise in the National Bureau to issue a special circular of information in regard to education in Utah? In the present plan of national aid for education in the different States, might not there be introduced some provision by which the schools of Utah should be released from ecclesiastical control. I believe that it is mainly upon the education of the young people of Utah that we must rely to overthrow the delusions and tyranny of their theocracy." These writers themselves appear to possess very reliable means of information, but no stronger proof could be given of "the need of a special circular of information," than their own case, as every one of their statements or insinuations concerning education in Utah is false! The first journal accepted as its authority the President of Colorado College, whose pamphlet entitled "The Grip of Mormonism," illustrates well the Grip of Falsehood on the anti-Mormon mind; and the other journal probably took for its authority a series of articles in the Princeton Review, by Henry Randall Waite, who was Statistician of the Tenth United States Census. This Mr. Waite has just issued a pamphlet, entitled "Illiteracy and Mormonism," which under cover of this title discusses his pet theory of National Aid to Education, devoting but a few pages

out of the forty to Mormonism, and gives the statistics of illiteracy in all parts of the country—excepting the Territory of Utah! But we are informed by this writer, Statistician of the Tenth U. S. Census, and Fellow of the "American Statistical Association," that "We find a system of public schools established under laws whose provisions are capable of being so construed as to debar non-Mormons from becoming teachers, and which in violation of a fundamental principle of our government are used for the propagation of religious tenets," a statement which is the very opposite of the truth, as was made to appear in a late discussion in the Senate of the United States. And, (can the reader credit it?) to the suggestions of this gentleman was in part due, that clause of the anti-polygamy bill, (spoken of under the heading of Church and State) which forbids the use of Mormon text-books in the public schools, takes from Utah the appointment of its School Superintendent, and applies the funds of the Mormon church to the support of the free schools!

What are the facts? They will be found to more than justify the statement of a special committee of the Nevada State Senate, that Utah's "*school system is unsurpassed in its adaptation to the wants of the masses.*" The text-books in use in the Mormon public schools are the same as elsewhere, with this exception, that no religious tenets of any kind are taught in them. The services of Gentile teachers are in demand; and this is no new policy. In 1868 the largest school in Salt Lake City, whose patrons were almost wholly Mormons, had a Gentile teacher at its head, a graduate of Yale; but he was obliged to abjure certain eastern customs, for at Yale there are religious exercises, and the attendance is compulsory! A distinguished Unitarian minister of the East, after a visit to Utah, writes: "I found a Gentile woman teaching in their High school as principal, paid a higher salary than she could get in New York or St. Louis (in both of which cities she had previously labored) and elected solely on account of her ability and without any question as to her religion." The Deseret University, the largest and oldest educational institution in Utah, has Mormon and Gentile instructors, and Mormon and Gentile patronage.

The report of the Commissioner of Education, shows that Utah is in advance of the general average of the United States in the enrolment of school population, percentage of daily attendance

and the amount *per capita* invested in school property. And a fact to be noted is, that while in nearly every State of the Union large sums of money derived from the sale of lands, or other special funds, are devoted to school purposes, the schools of Utah have never yet received any assistance in this manner!

The interest taken in Education in Utah, and the favor shown discussion of the best methods and systems of instructing the youth, is attested by the following official letter:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, D. C., May 15, 1880.

DEAR SIR:—Permit me to express the pleasure with which I find in your report for 1878 and 1879, a brief summary of important educational statistics for all the States and Territories, from the tables compiled in this Bureau for 1877. The example thus set is a good one, as only by this means, while Congress limits the circulation of our reports, can the statistics, laboriously collected at this central office, reach the vast body of minor school officers and teachers, for whose benefit they should be spread abroad. It is to be hoped that other superintendents will follow the pattern thus presented, and thus enable all school officers and teachers in their several States and Territories to compare their own statistics with those of others elsewhere.

Very respectfully your obedient servant,
CHARLES WARREN,
Acting Commissioner of Education.

HON. JOHN TAYLOR,
Ter. Supt. District Schools,
SALT LAKE CITY, UTAH.

And this is the Superintendent the Senate of the United States was going to displace by one of its own appointment!

Mutual Improvement societies for both young men and young women, are found organized throughout the Territory. Every settlement is urged to have its library. Salt Lake City has its public library and reading-rooms, and is in these respects far ahead of New Haven, (where I am now writing,) the semi-capital of Connecticut.

The principle of the coeducation of the sexes prevails in Utah,

and it is neither unfashionable nor unwomanly for the sex to aspire to the highest honors of any of the schools. Mormon wives and Mormon lasses have taken advantage of the appointments offered by our medical colleges in the East, and returned home with their Diplomas. Brigham Young may have had his prejudices in regard to education, and who has not? But these facts are a presumptive evidence surely that the Mormon priesthood value education as much at least as most of us, who have charged it with being opposed to education. There is a Brigham Young Academy in which the Mormon religion is taught, and why shouldn't it be? Here is Yale College with its religious exercises, its theological department, and clergyman for its President! And the land is full of such. But here is a difference. Yale for instance received State aid and recognition, whereas the Mormon Academy stands alone, and has no Territorial appropriation of any sort. But the bias of Brigham Young's mind may be seen in this extract from a circular issued by him to the Saints:

"In connection with the education of our children the importance of training the youth of both sexes in regular occupations and habits of industry cannot be too strongly urged upon the people. Every young man and young woman whose physical ability will admit of it should be taught to be skilled workers in those trades adapted to the sex of each. Young men who follow farming and stock-raising should learn these pursuits thoroughly. So also those who become mechanics should spare no pains to become skilful. Young women, besides learning housekeeping in its various branches, should attend to the cultivation of silk, and clothe themselves in it, and acquire a knowledge of cutting out and making clothing for themselves and the other sex, and at the same time not neglect those accomplishments which are an adornment to themselves and render home so attractive."

I will quote in conclusion Article XI. of the Constitution of the new State of Utah:

"SECTION 1. The legislature shall provide for a uniform system of public schools, and may establish free schools, *provided* that no sectarian or denominational doctrines shall be taught in any school supported in whole or in part by public funds.

"SEC. 2. All legislation in regard to education shall be impartial, guaranteeing to all persons, of every race, color, and religion, equal rights and privileges.

SEC. 5. No religious sect or denomination shall ever control or appropriate to its own use any of the public school or university funds of the state."

GENTILE TESTIMONY.

I have stated only facts. But lest the reader suspect me of exaggeration, I here give what may be called Gentile testimony to Mormon worth.

The United States census reports, taken in Utah by non-Mormons, give the following:

Comparative Statistics from Census of United States, 1870.	School attendance, 5 to 18 yrs.	Illiteracy, can't read or write, 10 yrs. and upwards.	Paupers.	Insane and Idiotic.	Convicts.	Printing and Publishing Establishments.
UTAH,	35	11	6	5	3	14
UNITED STATES,	31	26	31	16	9	6
MASSACHUSETTS,	25	12	55	23	11	11
DIST. OF COLUMBIA,	27	40	23	35	9	11

The Honorable Hugh McCullough, ex-Secretary of United States Treasury, says, after a visit to Salt Lake: "Everywhere there are indications of thrift, and neatness, and comfort. The people of the United States are under obligations to the Mormons. They have made Salt Lake Valley, once a desert, a garden. They have opened and improved a region which but for them would have been neglected. They have brought to the country many thousands of industrious, peaceable, and skilful people, and added largely to its wealth. Their history will afford abundant material for philosophical speculation, but there is no danger of their being a political or social disturbance." And he speaks of "their march from Missouri across the trackless desert, as the most wonderful of which there is any record."

Bayard Taylor, who had seen something of the world, and had a pair of eyes to see it with, said: "We must admit that Salt Lake City is one of the most quiet, orderly, and moral places in the world. The Mormons are chaste, laborious and generally cheerful; and what they have accomplished in so short a time, under every

circumstances of discouragement, will always form one of the most remarkable chapters in our history. They have established manufactories, built roads and bridges, irrigated wastes of sage-brush, colonized the interior desert for an extent of 500 miles, and made a nucleus of permanent civilization in the most forbidding part of the continent."

Mr. Phil Robinson, of the London *Telegraph*, an English traveller of wide experience all over the world, says in his *Sinners and Saints*, "I have seen and spoken to and lived with Mormon men and women of every class, and never in my life in any Christian country have I come in contact with more consistent piety, sobriety, and neighborly charity. I say this deliberately. Without a particle of odious sanctimony, these folks are in their words and actions as Christian as I have ever thought to see men and women."

Gen. Thomas L. Kane, of Pennsylvania, Governor, after four years' experience among them, says: "I have not heard a single charge made against them as a community—against their habitual purity of life, their willing integrity, their toleration of religious differences, their regard for the laws, their devotion to the constitutional government under which we live—that I do not from my own observation or from the testimony of others *know to be false.*"

Rev. D. S. Tuttle, bishop of the Episcopal Church in the Utah Diocese, and a resident for twenty-five or thirty years in Salt Lake City, says in a lecture delivered in New York: "*I know that the people of the East have judged them unjustly.* We are accustomed to look on them as either a licentious, arrogant, or rebellious mob, bent only on defying the United States Government and as deriding the faith of Christians. This is not so. *I know them to be honest, faithful, prayerful workers.*"

Mrs. Emily Pitt Stevens, editor of the *Pioneer*, a woman's journal, says, "In Salt Lake City there is less rowdyism, drunkenness, gambling, idleness, theft, conspiracy against the peace of society, and crime generally than in any other city of the same population in the country, if not on the globe."

Dr. Miller, editor of the Omaha *Herald*, says: "To the lasting honor of the Mormon people and system, for twenty-five years such machines of moral infamy as whiskey-shops, harlotries, faro-banks, and all the attendants of vice and iniquity, were totally unknown in Utah. But, now, these hydra-headed monsters are gaining foot-

hold in Salt Lake City; and the damning fact is that it is only by the surreptitious evasion and overthrow of Mormon authority that these and kindred curses now invade it."

Jas. W. Barclay, member of the British Parliament, says, in an article in the Ninteenth Century: "The Mormon community is an enlarged family bound together by privileges and duties, one principal duty being to care for the helpless and needy. At the same time, every individual has full freedom of action. There is no compulsion on any Mormon beyond the public opinion of his fellows, and none is possible. All are equal. There is no special or privileged class or caste. The people in the fullest sense govern themselves,"—statements especially to be commended to the attention of those who, in default of anything else, charge Mormonism with being a vast and rigid hierarchy, under which no one is free. "Let me say in conclusion that I went to Utah prejudiced against the Mormons; but, after seeing and investigating them myself, I came to the conclusion that apart from polygamy there is much in the Mormon organization to admire and respect, and that the Mormons are the subjects of a greater amount of misrepresentation and unjust abuse than any other community with which I am acquainted."

Captain Burton, in his *City of the Saints*, says: "I was much pleased with their religious tolerance. The Mormons are certainly the *least fanatical* of our faiths, owning, like the Hindus, that every man should walk his own way, while claiming for themselves superiority in belief and practice."

R. N. Baskin, Esq., United States Prosecuting Attorney in Utah, and a strong anti-Mormon, testified before the Committee on Territories of the United States House of Representatives: "I have been for five years past a resident of Utah. I must do the Mormons the justice to say that the question of religion does not enter into their courts in ordinary cases. I have never detected any bias on the part of jurors there in this respect, as I at first expected. I have appeared in cases where Mormons and Gentiles were opposing parties, and saw, much to my surprise, the jury do what was right,"—a sworn statement of a United States officer, which may well offset the assertion of a recent writer in a religious newspaper that "nine-tenths of the people of the Territory are pledged to defeat the ends of justice," yet one which as a reply that newspaper refused to print.

A Special Committee appointed by the Nevada State Senate to inquire into the propriety of the annexation of Utah to Nevada, says in its report: "Utah Territory is without a territorial or county debt. It contains one of the most beautiful cities of its age and size on the continent. The police and internal regulations of the city and Territory are the best perhaps in the civilized world. Gambling and houses of ill-fame are not tolerated, and are scarcely known. Its school system is unsurpassed in its adaptation to the wants of the masses. Innocent amusements are established under the sanction and authority of the Mormon Church in the city, and in all the larger towns in the Territory, in which the aged and young participate regularly, and thereby develop the physical system, and improve the social and moral qualities." "It is now proposed to turn Utah over to Nevada to try the process of absorption. In lessons of legislative and official economy the annexation would prove a great acquisition to Nevada, and while we acknowledge the high compliment paid to Nevada by Congress, your committee can but express an opinion adverse to the scheme of annexation. The chances are that instead of absorbing polygamy we would be absorbed. Polygamy is one of the tenets of the Mormon Church, and they believe as much in its divinity, and as religiously hold sacred its obligations, as any other of the denominations of professed Christians do the discipline, rites, ceremonies, and ordinance of their churches."

Governor Safford, of Arizona, after a late visit to a Mormon colony on the Little Colorado, writes: "We were kindly received by the colonists, numbering some 400 souls, who made us welcome and gave us freely of such comforts as they had, as this people do to all strangers who come among them. Every one works with a will. They have no drones, and the work they have accomplished in so short a time is truly wonderful. All concede that we need an energetic, industrious, economical and self-relying people to subdue and bring into use the vast unproductive lands of Arizona. These Mormons fill every one of the above requirements. Tea, coffee, tobacco and spirituous liquors they do not use. They are spoken of by those living nearest them as the kindest of neighbors. They have a splendid, robust-looking lot of children, and are very desirous of having schools."

Chief Justice White, of the United States Bench, in charging the grand jury, February, 1876, in the famous Mountain Meadow

Massacre trial, says: "No matter how much I differ from them [the Mormons] in belief, nor how widely they differ from the American people in matters of religion, yet testing them and it by a standard which the world recognizes as just, they deserve higher consideration than has ever been accorded to them. Industry, frugality, temperance, honesty, and, in every respect but one,—the legislation against polygamy,—obedience to law are with them the common practices of life. This land they have redeemed from sterility and made the habitation of a numerous people, where a beggar is never seen and where alms-houses are neither needed nor known."

With regard to the complicity of the Mormons in the Mountain Meadow Massacre,—a crime with which even now they are continually charged at the East,—the United States district attorney who had charge of the case said, in his plea at the trial: "I have been engaged constantly during the last three months in sifting facts and everything related to or connected with the massacre; and I have given the jury *unanswerable documentary evidence, proving that the authorities of the Mormon Church knew nothing of the butchery* till after it was committed. I have had all the assistance —from the Mormons—any official could ask on earth in any case."

The Rev. John C. Kimball, of Hartford, Connecticut, a Unitarian minister, in a brave article in a Boston journal, while considering some of these testimonials, exclaimed:

"Now, what community on earth can present higher, stronger, or more conclusive testimony as to its virtues and intelligence than this? Ought it not to outweigh any amount of statements made by narrow, bitter, prejudiced, partisan leaders at home and abroad? It covers almost every possible point of good citizenship,—those of education, patriotism, liberty, domestic life, morals, and religion, as well as of industry, thrift, and material well-being."

CHAPTER III.

The Marriage Question.

POLYGAMY AND BIGAMY.

Our bondage to the letter of the law in regard to marriage is most strikingly exhibited in our failure to mark the difference between bigamy and polygamy. Sir Samuel Romilly makes these sensible remarks in his Observations on the Criminal Law of England:

"The crime of bigamy comprehends two species of offences, differing greatly from each other in their character and effects, and in their degree of moral guilt. In the one case he possesses himself by fraud of her person, knowing that he may at any time dismiss her, as a prostitute from his bed; and nothing can exceed the horror she must feel, whenever the secret of the first marriage being divulged she shall be awakened to her real situation, and find herself despoiled of all her honor, and that the children she has borne are all bastards and outcasts. The real nature of this crime is that of a most fraudulent and aggravated seduction, effected under cover of law, with all the solemnities of religion, and under such circumstances that no prudence or caution could effectually guard against it. But he who before his second marriage apprises the woman that he is already a husband does her no wrong. His offence is to the state alone and consists in nothing but the public scandal it affords." "It also results from these considerations that the crime of bigamy can never be so heinous in a woman as in a man: yet until the statute of 3 and 4 W. and M. was passed, it was punishable in female offenders with death but in males only with burning in the hand, and a year's imprisonment."

It is not in the least surprising that laws which discriminate thus between man and woman, should fail to discriminate between polygamy and bigamy, nor is it surprising that they should discriminate between the polygamist and the debauchee, and in favor of the latter. It is not surprising that in Utah the polygamist is without trial stripped of his rights of citizenship, and may then be

tried for a crime whose penalty is a fine and several years' imprisonment, while the man who cohabits with more than one woman, but owns only one as his wife, enjoys all his rights as a citizen and a member of society; and while one who believes in polygamy is not allowed to serve as a juror, the man who has one wife and yet lives in open and notorious adultery with another woman, is fit to serve as a juror in a trial for polygamy! Well might the Mormon say, "Our crime has been that we married women instead of seducing them, we reared children instead of destroying them." No attention was given, (or seemed to be given) to the protests lately made by the Mormons, in the presence of the Nation, against the decision of the United States Courts in Utah, which made that clause of the Edmunds bill relating to "unlawful cohabitation" between sexes apply to the polygamists only. It would not do to have it known, or understood, that the polygamist is in danger of the law, (which people dread more nowadays than they do Hell-fire,) while the man who has seduced his own wife's sister is in danger of nothing. There is no mystery now in the fact, that a law passed by the Utah Legislature itself, against bigamy, or "unlawful or lascivious cohabitation," should be used in the attempt to punish polygamists, but not the offenders for whom it was intended. And this is the way in which we are to crush out polygamy!

Can it be now a matter of surprise that the Mormons should suspect the Supreme Court of the United States of being a victim to these conventional notions of right and wrong, when in its decision in the Reynolds' case, it asks, "suppose one logically believed that human sacrifice was a necessary part of religious worship, or a wife religiously believed it was her duty to burn herself on the funeral pile of her husband, would it be seriously contended that the civil government could not interfere to prevent a sacrifice?" Now where is the resemblance between the Thuggism and Sutteeism here spoken of, and plural marriage? There are few readers of the decision of the Court but will suppose the comparison was meant to hold good in all its points, for the Court does seem to hold to such logic. There are few unprejudiced minds that will not agree with Bishop Colenzo of Natal, who, when accused by other Christians of inconsistency, because in tolerating polygamy he did not tolerate also the burning of widows and the sacrifice of human victims, replied, "Any one must see

that I am not under the slightest necessity to encourage such men as practise these abominable deeds, to come to Holy Baptism, merely because I would not reject a polygamist." That bishop was right, indeed, in his reasonings, but ahead of his time, as when he gave to the world his views of Genesis. But this was Oriental polygamy of which Colenzo spoke, which, if I mistake not, is avowedly for the convenience and gratification of the male, while Mormon polygamy seeks by religious guards and sanctions, ends the very opposite. Though this plural wife system came through revelation, the Mormon assumes it to be in keeping with scientific principles; and in no part of the land perhaps, does the question of the relation of the sexes evoke more thought and study among the people at large than in Utah. And there are facts which tend to show that the Mormon woman cherishes an exceptionally high ideal of purity, chastity, and womanhood. And these Mormon women have the ballot in their hand! It is generally supposed that all the Mormons are polygamists, and as a rule have many wives; when the fact is that not more than one in twelve is a practical polygamist, and but a small proportion of these have more than two wives. Many of the Mormon women have spoken in this manner: "We are proud of this principle, because we understand its true worth, and we want our children to practise it, that through us a race of men and women may grow up, possessing sound minds in sound bodies."

The Mormon appeals to the fruits of polygamy. The Court appeals to our Bigamy laws, to Jas. I., and to the Hindoo practice of offering human sacrifices! Polygamy, it is true, is not to be excused simply because it is a part of any one's religion, nor is it to be condemned simply because a law makes it a crime. It is true the Court does say that "in fact, according as monogamous or polygamous marriages are allowed, do we find the principles on which the government of the people to a greater or less extent rests." Now that may be true or false. It is an assumption, however general the belief may be. A very stout argument could be made on the other side, with small effort, by any one who cares to look at the facts. But the decision of the Supreme Court should not be based on belief, especially one with which the practise of those professing it are so little in accord, particularly in those parts over which Congress has exclusive control; for, "in the dock-yards, in the arsenals, in the Territories of the United States,

in the places over which Congress claims and exercises jurisdiction, the seducer, the adulterer, and the vile debauchee can ply their devilish arts upon innocent and unsuspecting victims, and walk with their heads erect and fronts unabashed, and who troubles them?" Of prostitution and its attendant evils, our social morality, consecutive polygamy through easy divorce, etc., not a word is said. It is not worth while to consider whether there may not be more practical pluralists in any one State of the Union than in Utah, and in a Gentile, than in a Mormon, legislature.

THE COMMON LAW.

Confusion reigns in the public mind in regard to the nature, origin and sanctions of marriage.

The Common Law is appealed to as an authority in this question, and under it marriage, it is said, was monogamic, and a civil contract. In the first place the English common law has not been adopted by our Nation, and is in force in this country only so far as each State shall determine for itself. "It is an established doctrine of our Courts," says Bishop, "that we have no national common law." "When, therefore," says Chief Justice Marshal, "a common law right is asserted, we must look to the State in which the controversy originated." Nor is the United States Supreme Court warranted in saying, that, "At common law the second marriage was always void, and from the earliest history of England polygamy has been treated as an offence against society;" for Poynton says on the contrary that by the common law it was not punishable to marry a second time during the lifetime of the matrimonial partner, or to cohabit during such second marriage; and that until 1604 it was of doubtful temporal cognizance. But the Supreme Court, as if to make the matter *doubly* sure, states that "By the statute of Jas. I. this offence, if committed in England or Wales, was made punishable in the civil courts, and the penalty was death." But Bishop, in his Statutory Crimes, informs us that this statute, "by its very terms was local to England and Wales, and the efficacy of a part of its provisions depended on the action of ecclesiastical courts, which were never established with us, so that on general reasoning it is difficult to place it among the laws which have come to us from the mother country." It is unfortunate polygamy should have first been declared a crime under

a monarch at once bigoted and licentious, whose chief employment was theological speculations and the chase; and who could say, "I made the judges, I make the bishops. By God's wounds, I can do as I please with the law and the Gospel." Then again the Supreme Court, as if to make the matter *trebly* sure, states that this statute of Jas. I. was substantially enacted by the legislature of Virginia, because as recited in the preamble, "it hath been doubted whether biganiy or polygamy be punishable by the laws of this Commonwealth." How shallow and iniquitous were the ideas of marriage at that time I have in part shown under the head of Polygamy and Bigamy; and it is sad to see the United States Supreme Court appealing to them as the authority.

The Common Law, which is so emphasized, is woman's oppressor, having an eye single only to man's glory. If under the Mohammedan law woman had no soul, under the English law she had no individuality, and where is the difference? But we misrepresent Mohammed; he taught no such doctrine. It is certain, however, that under the common law, woman had no property rights; and scarcely any personal rights. The obedience to her husband stopped short of nothing but participation in crime; for the extremest acts of cruelty only could she get a hearing; wife-flogging to-day in England is not an act of cruelty. To escape the tyrannies and oppression of these man-made laws, is a good enough reason of itself why a new State should guard well its rights of sovereignty. And why should Utah have any great respect for *our* marriage laws? Listen to Elizabeth Cady Stanton, who is not a Mormon: "We have woman disfranchised, with no voice in the government under which she lives, denied until recently the right to enter colleges or professions, laboring at half price in the world of work; a code of morals that makes man's glory woman's shame; a civil code that makes her in marriage a nonentity, her person, her children, her earnings the property of her husband. In adjusting this institution of marriage woman has never yet in the history of the world had one word to say!" Yet in Utah a United States Judge is the expounder of the extremest doctrine of woman's rights and the equality of the sexes! As if that were even the theory we hold, to say nothing of our practice! A pretty way to show our respect for woman and the equities by taking from her the franchise already bestowed, and allowing a known adulterer to sit on the jury in the trial of a polygamist! And a pretty way to show our respect for the

common law by authorizing a person to be kidnapped and held as a witness, who has not been subpœnaed or notified, subjecting private papers to unreasonable searches and seizures, and disregarding family feeling and the sanctities of private life by compelling men and women lawfully married to testify against one another! This is not common, but uncommon, law.

"SACRED" AND "CIVIL."

The United States Supreme Court speaks in this wise: "Marriage, while from its very nature a sacred obligation, is nevertheless in most civilized nations a civil contract, and usually regulated by law." In what sense does the Court use the terms "sacred" and "civil"? By calling marriage "a sacred obligation," it aimed not to offend the religious prejudices of the community, and by calling it "a civil contract" to deal a blow at Mormonism. But not even the Supreme Court of the United States can both have its cake and eat it. It cannot out of an equivoque erect a positive dogma. Such vague use of the word "sacred," and such rigid application of the word "civil," are a criminal abuse of language. Bishop, in his Marriage and Divorce, says that, "In law writings generally marriage, though denominated a contract, is said to be more than a contract, and to be different from all other contracts." Story declares it to have "peculiarities in its nature, character, operation, and extent of obligations different from what belong to ordinary contracts." Lord Stowell says that "according to juster notions of the nature of the marriage contract, it is not merely a civil or a religious contract, and at the present time it is not to be considered as in its origin either the one or the other." By the English canon and ecclesiastical law this union of marriage was certainly widely different from ordinary contracts.

When England protested against the usurped powers of the See of Rome in relation to marriage, it gave as its reason that those things had been allowed which were "contrary to the Word of God," and those things were forbidden which were "allowed by the Word of God." In some of the States of this Union the marriage sanction is expressly derived from Scripture. Pennsylvania statutes are a sample. South Carolina holds to the Catholic idea of the indissolubility of marriage, refusing to vest in its courts the authority for granting divorce. In the United States the religious form of

marriage is the rule, being imperative in some of the States; though in most, certain magistrates, equally with the ministers of the Gospel, have the right to solemnize it; "but," says a certain writer, "the prevailing practice among the cultivated and refined is to have it performed by clergymen, and attended with religious ceremonies." Our marriage laws are usually prefaced with this form of words: "Marriage, so far as it is a civil contract," or "Marriage, so far as its validity in law is concerned, is a civil contract." And let the reader not forget, that the question of how far it is a civil contract is determined by each State for itself. Christianity and the Bible have figured largely in the anti-polygamy debates in Congress. On one occasion the Mormon delegate, Wm. H. Hooper, remarked: "I have heard more Scripture quoted here, and more morality taught, than in any other place it was ever my fortune to serve. The report accompanying the bill fetches vast stores of theological information to bear; informs us that polygamy is contrary to the Divine Economy, and refers to the marriage of the first human pair." A civil contract with a vengeance! Is it not any sort of a contract that will enable us to beat the Mormon? But non-Mormon marriages, whether civil or religious, are recognized by Mormon legislation. And in every Mormon marriage the elements of free consent and of individuality enter, separation being easily obtainable at the instance of the woman, and she and her offspring are entitled to a proportionate share of the whole property. From which facts it would seem that in the Mormon marriages are conserved those characteristics of the union which are usually meant to be expressed in the use of the terms "civil contract." This is a view of the matter which we fail to take, however, when fighting polygamy.

Both the Catholic and Protestant Churches teach that marriage is a sacrament, though the Catholic idea is by far the more consistent and definite; and this many Protestants are beginning to see, and some to confess, though Gladstone is not one of these confessors, if he be one of the seers. In his arraignment of the Roman Church he fails to make clear the issue on this question. His argument seems to be directed against the assumption that marriage is a sacrament, while he accepts "the Holy Scripture as of final and supreme authority," and is anxious to have it known that in England "nineteen-twentieths of us marry, I believe, under the sanctions of religion." He complains that all non-Roman

marriages are regarded by the Pope as null and void, while he fails to define for us the nature of the marriage contract, to tell us whether it is civil or religious, or a something betwixt and between, or none of these. The Christian sects as a rule believe in a Bible doctrine of marriage, the Old Testament being of equal authority with the New, excepting in those particulars explicitly repealed by Christ and his Apostles. That, I believe, is the logic of the Christian world to-day. Ex-president Woolsey, of Yale College, in his work on Marriage and Divorce, says: "The modern divorce legislation of nearly all Protestant countries is un-Christian. How ought the Church to act, if the law allows absolute divorce for offences for which the New Testament does not allow it? Shall the Church comply with the view of the civil law or of the New Testament? We have no hesitation in answering with that of the New Testament." But this gentleman, as I learned in a conversation with him, approves Government's dealings with Utah, while he at the same time takes sides with the State against the General Government, and of the Church against the State! Leonard Bacon, who was neither a Catholic nor a Mormon, said, "The State must count on finding the Church taking sides with her Master. It is long, long past the time for this: Churches and ministers have shamefully surrendered to Cæsar the things that are God's"! I quote these utterances as representing the average sentiment probably of the Churches, in as far as they may be said to have any sentiment in the matter.

A petition to Congress, signed by the Evangelical Alliance, spoke of polygamy as "dangerous to our peace, a foul blot on our National purity, and a crime against the law of God," and asked for such laws as will "destroy it from our Christian civilization." How polygamy can be so dangerous to our peace when the community where it exists is more moral than the communities where it does not exist, needs to be explained. But the great mystery is, how these ministers can call polygamy "a foul blot on our National purity," who found their sermons Sabbath after Sabbath on texts from David and Solomon, and how they can say that men who have but two or three wives are unfit to exercise the rights of citizenship, while men who had hundreds of wives and concubines are fit to be the mouthpiece of God to all generations of men! And on what authority do the signers of that petition declare polygamy is a crime against the "law of God," when it is nowhere con-

demned in the Old or the New Testament, and when God's chosen servants appear as the most conspicuous examples in all history of the violation of that "law," and when the parents of Christ even are the direct descendants of polygamic ancestry? Are the reverend gentlemen not also aware, that we are indebted to the Pagan nations of Greece and Rome for our monogamic marriage, these being monogamic races, while the Hebrew race was polygamic? It needs to be made clearer what is meant by "God's law."

The Rev. Dr. John P. Newman undertook to prove, in a sermon preached in Washington before President Grant, and members of Congress, that "God's law condemns the union in marriage of more than two persons," but when arranging for the discussion of the question with the Mormon Apostle, Orson Pratt, he refused to make the affirmation, and had the question changed, so as to read, "Does the Bible sanction Polygamy?" But state it as he would he could not but be worsted. And what was the idea of marriage, which this champion of monogamy held up before the Saints, to disenchant them of their errors? "Take the influence of polygamy upon what may be called the rights of marriage; and these rights are twofold:—authority on the part of the man, and protection on the part of the woman. The man is the head of the family; the man is the high priest of the family; the man is the legislator and executive of the family. He is to have reverence from his wife, she is to obey him; and I never performed the marriage ceremony without including these words when I addressed the woman: 'Wilt thou obey the man?' That is God's authority, and every true and loving wife will obey her husband in the Lord as readily as she obeys the Lord Jesus Christ. But while man is endowed with authority as his right, so on the other hand protection belongs to, and is the natural and inalienable right of, the woman. See that ivy as it entwines around the oak! That grand old oak," etc., etc. With reasoning such as this, and a descant on the meaning of two or three Hebrew roots, and wild assertions, such as that Christ declares "the man an adulterer who marries more women than one," did this Rev. gentleman, Chaplain of the United States Senate, and Confessor at the bedside of our dying hero, strive in the Mormon Tabernacle to convert the saints to our ways of life!

CHAPTER IV.

The Four Arguments.

The chief pleas on our side have been that Utah is not a State, that there is a union of Church and State in Utah, that woman is deprived of her rights, and that polygamy and slavery are one. These separate pleas will now be examined.

"State Rights."

Congress would appear to be oblivious of the fact that marriage is a domestic institution, over which each State has entire control, thus giving it the right to decree polygamy, if it chose. The common reply to this is, that Utah is not a State! In a technical sense it is not; but excepting in this one innovation, the practice of polygamy, it can be shown to possess in excess the qualification of statehood. But if suppressed in Utah as a Territory, what is to prevent its appearance in Utah as a State? What right have we to ask Utah to pledge itself to a forfeiture of State autonomy should the practice be thus revived? Is there a lawyer in the land who would say we have the right to impose such conditions, or that they would be worth the paper on which they are written? Is there *a man* in the country who would say it was right? The equality of the States is an essential alike in the creed of democracy and of republicanism, for it is a principle on which depends the homogeneous formation of the Union. The Constitution of the United States is not a bad authority. It says: "All legislative powers herein granted shall be vested in a Congress of the United States." "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." And the powers delegated to the Congress are specific; and it is not only true that the right to legislate on marriage is not one of them, but the very last which the founders of our Government would have dreamed of surrender-

ing to the Federal authority. And such a proposal now would not only meet with disfavor but produce fatal discords, that might disrupt the union. Such a belief is justified by the strict jealousy with which States guard this one prerogative, and the exceeding sensitiveness of the Church, both Catholic and Protestant, in respect to positive assumptions of the civil power under this head. But the laws of all the States, it is said, make polygamy a crime. Most, if not all, have probably by this time such a law; but it is not a crime in one State because it is a crime in the other States, nor does this coincidence give to the States the right to force their custom on a single dissenter. The various and conflicting marriage and divorce laws of the country at the present are proof enough of that. This may be a state of things to be deplored, but the remedy surely is not found in legislating for Utah. Those indeed who express greatest alarm at the anarchic state of our marriage laws, disavow any intention of invoking the interposition of the General Government, which they declare would be a dangerous precedent in the direction of centralization. But it is said there is no danger of any State ever allowing polygamy; what the danger is in this respect we do not know, nor is it any of our business, legally speaking, for State laws differ greatly even in such matters as liberty of conscience and liberty of the press. And notwithstanding even the First Amendment to the United States Constitution on these very subjects, Congress has not yet presumed to dictate to the States in these matters. John Fiske, in his new work, says: "If California adopts a grotesque Constitution that aims at infringing on the rights of capital, the other States may disapprove but they have neither the right nor the desire to interfere. Meanwhile the laws of nature quietly operate to repair the blunder. It is in this complete independence that is preserved in every State, in all matters save those in which the federal principle itself is concerned, that we find the surest guarantee of the preservation of the American political system." But I do not understand that the Mormons put so much emphasis on State Rights, as on the rights of conscience, or human rights, which would hold against the State, as well as against the Nation. They concede the authority of the National Government.

But the empirical nature of our legislation on this subject seems to be clearly enough revealed in the fact, that it takes no note of the overflow of Mormon population into adjoining States and Ter-

ritories, in some of which the Mormons seem already to hold a balance of power.

The Supreme Court of the United States said: "An exceptional colony of polygamists, under an exceptional leadership, may sometimes exist for a time, without appearing to disturb the social condition of the people who surround it; but there cannot be a doubt that, unless restricted by some form of Constitution, it is within the legitimate scope of the power of every civil government to determine whether polygamy or monogamy shall be the law of social life under its dominion." That may be true, but what does it prove. That the Mormons are an "exceptional colony of polygamists, under an exceptional leadership" is true, and how do we know that they may not always remain so; no such colony having existed before, how are we to tell what its fate will be? But this is a question which the State, and not the Nation is to decide, that is in the language of the Supreme Court, "whether polygamy or monogamy shall be the law of social life under its dominion." And Utah furnishes what may be termed an anticipatory argument in favor of this right when it becomes a State, by "not disturbing," by the practice of polygamy, "the social condition of the people who surround it," now while it is a Territory. And is it not reasonable to suppose that when a State, the character of the colony will be more "exceptional" still, in respect to its polygamous practices? But the Court supposes that the law of social life must be "polygamy or monogamy," implying thereby that they could not co-exist, that the polygamist and monogamist could not be citizens of the same country, state, town or neighborhood. It is probable that the laws of the State of Utah would not discriminate between the monogamic and polygamic families, as long as they behaved themselves equally well, and did not work any disturbance in the social condition around them.

"WOMAN'S RIGHTS."

Polygamy in Utah has the approval of both sexes, who alike possess the right of suffrage, a fact which has been completely ignored in this discussion, because it does not fit in with our theories of polygamy and Mormonism. We have thought of the men in Utah only as the slaves of the priesthood, and of the women as the slaves of these men, never dreaming that in this major pre-

miss of all our reasonings on the subject we may be mistaken. If there is any coercion in the Mormon marriage or in the Mormon vote, they both stand condemned; but it is one thing to believe this, and another to prove it; and even if it were true, we would have yet to prove that this condition of things was peculiar to Utah. Robinson, who has travelled much all over the world, says, after several months' stay in Utah, "If the women of Utah are slaves, their bonds are loving ones and dearly prized. They are to-day in the full and unrestricted exercise of more political and social rights than are the women of any other part of the United States." Is there any Woman Suffragist who is able to contradict that statement? Listen to one of these women: "Though I cherish no ill feeling towards those who have arrayed themselves against this principle of our faith, plural marriage, yet, as they oppose it, we must meet it, and we intend to meet it with all the energy that we possess, and it will be 'diamond cut diamond' I assure you." Does that sound like the voice of a slave? But in their petition to Congress in 1882, protesting against the Edmunds Bill becoming a law, they all speak: "And moreover, we, your petitioners, hereby testify that we are happy in our homes and satisfied with our marriage relations, and desire no change. We are not the 'oppressed and down-trodden women,' we are represented to be, but enjoy more rights and freedom than women elsewhere in the nation, and we do know that our institutions are of such a nature as tends to purity of morals and elevation of character. And we most solemnly aver before God and Man, that our marital relations are most sacred, that they are divine, enjoining obligations and ties that pertain to time, and reach into eternity," etc.

The Woman Suffragists of the East have most signally failed in their duty towards their sisters in Utah. They have failed to assert their right to the ballot, and their right to use it; and they have acquiesced in the representations given of the character of the Mormon women; and this policy has been adopted from the fear, no doubt, that the cause might in some way be made responsible for polygamy. There may be a woman suffragist here or there who has not acted thus. But Mormon women delegates have been denied admission to Woman Suffragist Conventions, and pleas for Mormon women's rights have been rejected by Woman Suffragist Journals. I know of but one protest against the doings of Congress, made by the Woman Suffragists as a body, and that was the fol-

lowing, by the Massachusetts Woman Suffrage Convention: "Resolved, that the extirpation of polygamy should be sought by all just means, but that it would be a gross injustice to disfranchise the less guilty half of the people of Utah, the women, while the more guilty half, the men, retain their political rights." This refers to that clause of the bill which passed the Senate just before the defeat of the Republican party, disfranchising *all the women* of Utah! The resolution is not opposed to the disfranchisement of the men and women of Utah, but only to their partial disfranchisement. But the Senate's reason for voting for such an act, was no doubt that it considered the women "the less guilty" party, in the sense of having no mind or will of their own, and so being unfit to exercise the right. And this is the theory of the Woman Suffragists themselves, as they believe that the woman who votes for polygamy does not know what she is about. She is merely doing the will of her "lord and master," or of the priesthood. Now that charge will one day come home to plague the inventor. There are many who believe in woman suffrage *per se*, but are afraid of its practical working, and less because it may give support to new and unheard-of things, than that it will multiply obstacles to all reform. But what had the "Remonstrants" to say recently in the Boston State House? It is charged that you "have thrown to the wind every political, not to say moral, principle," that "women of sense differ most widely from the Suffragists," that "political women could not command respect," that you "have no mercy on your sex," etc, etc!

The Woman's Journal says, "No one has ever seriously claimed that the women of Massachusetts would vote for Mormonism," meaning, I suppose, polygamy. But what if they should? I had the hardihood to put this question and some others to the editor of that journal, in a conversation with him the other day, and the answers seemed to me to contradict nearly every principle set forth in the Declaration of Independence to which the Woman Suffragists make their constant appeal! But this is no reflection on this gentleman's views, for I found them to be just as liberal as those of the editor of the leading liberal journal of America, on the opposite side of the Common—of Boston Common! Our liberties are well guarded! One of these editors is the husband of Lucy Stone, and the other the President of the Free Religious Association! While I am writing comes the report of the Woman's Suffragist

Convention in Tremont Temple, emphasizing more than ever (in words) the principle that "all governments receive their just powers from the consent of the governed!"

That is brave; it sounds well; but what does it mean? Again I ask, but what if the women of Massachusetts, when their husbands have progressed far enough to allow them to vote, should vote for polygamy, or some other form of the relation of the sexes than the existing one? It is no answer to say such a thing is not possible. The possible and the impossible is not for us, but for them to determine. If woman suffrage is to bring us no reform that will shock old custom and prejudice, that alone is its condemnation. The emancipation of one half of the race, and that half woman, it would seem natural to suppose ought to modify in some way, in some degree, our doctrine of the relations of the sexes; and for man to undertake to say in advance in what way and in what degree, is simply absurd; but no less absurd than the demand which we make of Utah, that it will not allow polygamy when it becomes a State. I have no doubt the Remonstrants would cease to oppose woman suffrage, if the sex would but promise certain things. It is curious, however, that the principal objection made to woman suffrage is the same as the one made against the reform in Utah, that it will *destroy the home!* And in both cases the reasons are no doubt honestly held and supposed to be so self-evident as to require no argument. This home argument is something that needs to be looked into. Many people think that the omission of the word "obey" from the marriage contract will destroy the home; but those people are not Mormons, for they do omit that irrational word. The Mormon women believe in woman's rights, but emphasize, perhaps, one of those rights more than is common among woman suffragists, the right to be a mother, which right is with them also a duty. In fighting polygamy we must reason and not sentimentalize, and guard against that frailty of which Mrs. John Stuart Mill speaks: "When a prejudice which has any hold on the feelings finds itself reduced to the unpleasant necessity of assigning reasons, it thinks it has done enough when it has re-asserted the very point in dispute in phrases which appeal to the pre-existing feeling."

We are mistaken in supposing the women of Utah are in any greater bondage than are the women of the United States. We think too highly of the character of the one, and too meanly of the

character of the other. The condition of things in Massachusetts is such that I do not see how it could surprise any one if the women, having the right to vote, should allow polygamy, or something else. Mary Wollenscroft would probably say as much, as might be inferred from these words of hers: "Still, strongly as I respect marriage as the foundation of almost every social virtue, I cannot avoid feeling the most lively compassion for those unfortunate females who are broken off from society, and by one error torn from all those affections and relations that improve the heart and mind. The woman who is faithful to the father of her children demands respect and should not be treated like a prostitute, though I readily grant that if it be necessary for a man and woman to live together, in order to bring up their offspring, nature never intended a man should have more than one wife." Brave and honest words these, showing a conflict in the mind between fact and theory, which so few people in the world, and even among reformers, are willing to have known. Kate Field writes a three columned article for the Boston Herald, telling of the woes of some plural wife which by diligent searching she has come across in Utah; as if the entire list of grievances presented could not be duplicated in any city or town or neighborhood of the country, and as if it were not eclipsed even by stories with which our daily papers are full. Woman Suffragists are sometimes tempted to note this fact, that these evils so often spoken of in this way are not peculiar to polygamy, in order to give force to their argument for woman's emancipation, but can never make the admission without atoning for it by treating polygamy to some of the choicest adjectives in their vocabulary, such as "degrading," "infamous," "nefarious," etc., etc. And in like manner we talk vaguely about the women of Utah being ruled by the priesthood, as if such an influence were not exerted in other parts as well as in Utah. The Mormon women themselves say the comparison is in their favor. But this is a question too delicate to be much talked about. Occasionally a word is dropped, upbraiding the Christian Church for its apathy, or arraigning it for its opposition to the cause of woman. And much more would be heard if Woman Suffragists were as outspoken as to what they see at home, as they are to what they see, or think they see, in Utah. In this they are governed, there can be no doubt, by policy. They have favors to ask of the Christian, none of the Mormon, for the vote of the one is powerful and of the other, weak. Woman

Suffragists are politicians like the rest. T. W. Higginson, always cautious in his utterances, dares to say that, a coalition between the Federalist half of the Republican party, and the Roman Catholic half of the Democratic party, has thus far defeated woman suffrage in this country. But these two halves do not make a whole. Mr. Higginson has uttered only a half-truth, or rather dropped a hint of what the truth is. It would be very gratifying to know what sort of a coalition he thinks it is that has defeated woman suffrage in Utah.

"THE TWIN RELICS."

The idea that polygamy and slavery are one, and on the same footing before the law, in which the public mind has been tutored for so long, has made any action for the suppression of polygamy appear justifiable, the most arbitrary use of power look like moderation. But this twin-relic idea is the typical fallacy of this anti-Mormon crusade. That political device, "The twin-relics of barbarism," claimed for Government, on the theory of the identity of the two evils, the same duties and powers in respect to both; and was meant to sting and perplex the Southern mind, to banish scruple from the Northern mind, and to forestall opposition in the Mormon mind. The South to escape the force of the comparison must make out polygamy to be worse than slavery; so that the strange spectacle was presented of all parties vying with each other in denouncing polygamy and in making the vote on the question a test of loyalty and virtue, while at the very time slavery existed in so many States of the Union, was optional with the Territories, even including Utah; while one party defended it on the ground of its worth, and the other as having the protection of the Constitution! It was asserted, and passed without challenge in the debate in Congress, that "there was nothing inconsistent in punishing polygamy and not prohibiting slavery." "It is encouraging, it is refreshing," said one, "to know that there is at least one subject on which there is no sectarianism, when North Carolina and Massachusetts people are no better than New York and Mississippi people."

The dispute between the North and the South had been over the right of Congress to exclude slavery from the Territories, which took the form of the relation of the Government to the Territories;

two very different questions; and I affirm that the South was the nearest right on the one, and the North on the other, while the slavery question vitiated the reasonings of both the North and the South. The North said in order to keep slavery out of the Territories it must hold to the extremest doctrine of Territorial subjection, which we find expressed in the debates of these times in terms such as this: "They" (the framers of the Constitution) "invoked the power of language to confer in the briefest and clearest manner this plenary power of Congress" over the Territories. And consonant with this view is the assertion made in the Republican platform of 1856, that "the Constitution confers on Congress sovereign power over the Territories of the United States for their government;" and the platform continues, that "in the exercise of this power it is both the right and duty of Congress to prohibit in the Territories those twin relics of barbarism, polygamy and slavery." This is the logic: Government must have plenary power over the Territories, to enable it to prevent slavery therein; and of course having this power, it can admit and exclude what it pleases, and as polygamy and slavery are one, its power over the one is equal to its power over the other!

Geo. W. Julian was a Free Soiler and Chairman of the Executive Committee, in the first organization of the Republican party. He is perhaps the only survivor of the "Immortal Nine" who took a firm stand on the slavery question in Congress. I must ask so revered a name what he thinks to-day of the reasonings of his party's platform then, and of its actions now, and how he will reconcile them with his own utterances in one of his last speeches in Congress, just before the war. "My honorable colleague (from Indiana) argues that to insist on the prohibition of slavery in New Mexico and Utah, by act of Congress, is to deny the capacity of the people for self-government. Sir, I am willing to go with him before the country on the issue he renders. I am for trusting the people of those Territories with the general right to establish their own municipal regulations, but I am not willing that one portion of them shall strip another portion of their humanity by converting them into beasts of burden, and articles of merchandise. Our fathers declared that 'life, liberty, and the pursuit of happiness,' are among the inalienable rights of men, that 'governments are instituted to secure these rights, deriving their just powers from the consent of the governed.' Make these truths operative in the Territories of

this government, and you have the Wilmot proviso, call it by whatever name you choose." Allowing that slavery was one half as bad as it was painted, in what sense is it like polygamy? Are Mormon wives made "beasts of burden" and "articles of merchandise"? And look at the picture your speech gives of the industrial, moral, and physical degeneracy of the South (be it true or false) and tell me what you find in Utah that corresponds with it. On the other hand, look at the dealings of this Government with the people of Utah, and tell me what there is in it that corresponds with those "declarations of our fathers." But there is another phase of this matter to which I am desirous of calling your attention, and that of the country. You were concerned, together with your compatriots, about the application of the Wilmot Proviso to Utah and New Mexico; but you were not aware that slavery was already excluded from Utah by the customs and laws of its people, no Mormon holding a slave, and no Territorial law encouraging it. Its laws were clearly dictated by a pure humanity, and, if in force in the Southern States, would have worked emancipation faster than escape or purchase. Nor is this all. You are not aware, perhaps, (though being a Republican you must be well posted in Mormon history, of course) that the Mormons were among the earliest abolitionists, not as extreme as the Garrisonians, yet more daring than the school to which you yourself belonged. Joseph Smith hoped for the early emancipation of the negroes in the States as well as in the Territories. He is accused of having offered himself for the Presidency of the United States. He cannot be accused, however, of having made a bid for the popular vote. Hear him: "Pray Congress to pay every man a reasonable price for his slaves out of the surplus revenue arising from the sale of the public lands, and from the deduction of the pay of members of Congress. Break off the shackles from the poor black man, and hire him to labor like other human beings, for 'an hour of virtuous liberty on earth is worth a whole eternity of bondage.'" And this sentiment was published in 1844, when the Mormons resided in Illinois, and when Illinois and Indiana were the outlying provinces of the empire of slavery! And years before this, one of the complaints against the Mormons in Missouri was that they brought free colored people with them into the State! And the same people drove them out of Missouri who afterward sought to fasten slavery on the new State of Kansas, and still

later strove in arms against the Union! The American Church, as history informs us, was slavery's defender and apologist. But the Mormon Church must be excepted. Is this one of the reasons it is not usually reckoned within the pale of Christianity?

"CHURCH AND STATE."

The statement, startling as it may seem, is yet warranted by the facts that there is more of a union of Church and State in most of the States of the Union than in Utah. Though in the constitution of the United States is a clause forbidding Congress making any law for the establishment of religion, or prohibiting the free exercise thereof, there are in this country to-day two organizations, whose aims, though opposite, prove that this clause has been, and is virtually, a dead letter. One of these organizations asks for the total separation of Church and State, for the reason that our theory of Government demands it, and that many of our practices are in direct violation of republican principles; the other asks that God, Christ and the Bible, be recognized by the United States' Constitution, as they are by the Constitutions of some of the States, for the reason that our theory of Government demands it, as do also the practices to which we have been long accustomed! This alliance between Church and State, which one party wishes to have perfected, and the other abolished, is seen in the recognition of God and Christianity in State Constitutions, religious exercises in the public schools, appropriations of public money for sectarian purposes, religious test-oaths, Sabbatarian laws, Chaplaincies in the Army and the Navy, Fast and Thanksgiving proclamations, Exemption of Church property from taxation, and mixed marriage and divorce laws. In Massachusetts and Vermont, for instance, which produced respectively Senators Hoar and Edmunds, Church and State are united in the various ways specified. Facts, these, which the Supreme Court of the United States, when discussing the doctrine of religious liberty, (for the benefit of the Mormon,) passes over in silence! It assumed that all connection between Church and State ceased at the adoption of the Constitution!

The last anti-polygamy bill which passed the Senate was a fulmination of the civil power against some of the supposed Mormon heresies, uniting Church and State. One of the clauses, for instance, of that bill prohibited the use of Church books in the

Utah public schools, made the Territorial superintendent of Schools a United States official, and applied the funds of the Mormon Church to the maintenance of a secular school system! A few minutes only before the passage of the bill the sworn testimony of the Superintendent of Schools in Utah was read in the Senate, at the request of the Mormon delegate, John T. Caine, which made it clear that the Mormon religion was never taught in those schools, and no such practice known as the use of Church books. A complete list of the text books in use throughout the Territory showed they were perfectly unexceptionable. Senator Hoar, author of the bill, then moved that the clause be stricken out when but a few moments before he had said: "I conceive that the mind of the American people whom we represent has been on full discussion, after the most patient forbearance, made up!" Stricken out! But how could that be when it had done its service as a libel on the people of a Territory by being kept before the eyes of the country and of the world during a long session of Congress, and published in all the newspapers of the land, and at last withdrawn without an apology on the floor of Congress, or any note taken of the error by the press! I have before me while writing, journals, both religious and secular, of first-class reputation, published a twelvemonth after the event just narrated, which charge the Mormon Church with using the school system of the Territory for the propagation of its doctrines, and recommend to public favor persons engaged in collecting funds for the establishment of "Christian schools," in or near Utah! Is it any wonder that the address of the Mormon people to President Cleveland in May last should ask that a committee of investigation be sent to Utah to report the true condition of things? The country seemed to treat the request as absurd.

Perhaps we are ready to qualify the assertion of a union of Church and State in Utah by calling it a virtual union. But is there any law against such? Do not many good people, Christians, believe in it, and pray for it? Is not the virtual union of Church and State that ideal relation which even statesmen and philosophers have devoutly wished might come to pass? Doubtless it makes a difference what Church, or whose Church, it is. I cannot here stop to speak of certain principles of the Mormon religion which are strongly democratic, as for instance its priesthood, which is coextensive with Church membership, and unsal-

aried from first to last, and its theory of inspiration, which holds as sacred much that the world has called profane. John Taylor says: "The Constitution that we revere, and that ought to be cherished and maintained by every citizen of the United States, the Prophet Joseph said was written by the inspiration of God." That is, by the same inspiration as Holy Scripture. What Catholic or Protestant dare say as much? But it is charged the Mormons make no distinction between the temporal and spiritual. But what can be meant by that criticism more than that their view of the matter differs from ours? Would it not be well, if other Churches made a less distinction between the temporal and the spiritual? What if the Saints have over their stores, "Holiness to the Lord"? Whose business is it, as long as Zion's Co-operative Institution pays its bills, which it does, perhaps, as no other business firm in the United States. The word of its President has been said to be as good as his bond.

The doings of the Endowment House are pointed to as proof of the bad influence of the Church; but we will be better able to decide on the merits of those matters when the nature and occasion of them are understood. We call the secret marriage unlawful, but fail to consider that our laws compel the Mormons to this secrecy, as a means of self-protection. They believe plural marriage is right; we say it is a crime. History is full of instances where the minority have in this same manner fought what they believed to be an unrighteous law until there was a fairer chance of its being reasoned upon. But it is said the Mormon Church teaches blood atonement. It would seem to be a sufficient reply to this charge that it has been publicly denied by the highest authorities in the Church, and no deed of blood has ever been proven against it. The words of individuals do not commit the Church, or show its tendencies, especially if uttered under the stress of persecution. It is astonishing that in so bloodthirsty a community crime should be so great a rarity—on the Mormon side! Mayor Wells, Councillor to Brigham Young, on the oath of a confessed murderer, was sent to the military garrison to await trial for murder, and was esteemed so guiltless by the General commanding, that he not only made him his guest, but invariably asked him to say grace at table!

The Constitution of the new State of Utah is exceptionally free from any taint of theocracy, provides for a minority represen-

tation, and is specially favorable to the working-man, features which are not new, but characteristic rather of Mormon legislation in the past. In Nauvoo, Illinois, religious freedom was guaranteed to every sect and denomination, Christian, Jew and Pagan. "Under the Constitution," says Geo. Q. Cannon, "the Orthodox and the Heterodox, the popular and the unpopular, the McCloskys, the Chapins, the Frothinghams, the Simpsons, the Beechers, the Talmages, the Collyers, the Cooks, of every denomination, aye, even the worshippers of Pagan deities, the Ingersols and the Mormons have perfect liberty of worship in faith and works, so long as their belief and practice do not interfere with the rights of their fellow men." Again he says: "From the day the valleys of Utah were settled, there never has been a time a reputable man, of any denomination, could not get a place in which to preach, and a congregation to listen to him."

When we are bound by ecclesiastical influences less than what we now are, and when mobs cease to howl in our streets for bread, we may perhaps then be in a position to criticise the Mormons in temporal and spiritual matters.

CHAPTER V.

America And Her Colonies.

THE TERRITORIES.

A fitting time to discuss this question, when the theme of my countrymen is Liberty Enlightening the World! Congress has assumed the right of exclusive legislation for the Territories, under that archaic clause of the Constitution, giving it power "to dispose of and make all needful rules and regulations respecting the territory or other property of the United States." And Utah, under the combined operation of that prejudice existing against the Mormons, and this assumption of absolute power, has been treated as a "property" indeed. The fact, that Utah has a large and thrifty population, twice that of Nevada, and exceeding that of Kansas and Nebraska combined, when formed into States, counts for nothing; and its appeal to the moral and intellectual status of its people as compared with other communities provokes only scorn and derision. Utah Territory, it was asserted in the debate in Congress was "in a position to be legislated for at the will and discretion of Congress without any limitation." "What a monstrous doctrine is this," exclaimed one; to which the reply was, "The people of a Territory have not the same rights as the people of a State." But the question is, what are their rights? The answer comes in the form of an appeal to precedent and to necessity, a fitting argument with which to inspire a people with love for republican principles! What principle is better fitted for the service of tyranny, especially when invoked against an unpopular cause or party? The vagueness of a law consists well with the purpose of despotism. In entering that region the solid ground of statesmanship is left behind:—

> That great Serbonian bog
> Betwixt Damaita and Mount Cassius old,
> Where armies whole have sunk.

Strange logic for an American Congress that one act of tyranny justifies another! "The possession of the power to govern the

Territories is unquestioned," says a high authority. An assertion which if true as to fact, is false as to principle; for in these days what concerns us most, is not the possession of the power, but its rightful possession. Was the Chief Justice right when he said, "It is certainly now too late to doubt the power of Congress to govern the Territories?" It is never too late to mend in a country where the people rule. Was it not such fallacious reasoning that dictated the policy of Great Britain toward her colonies? Who would not imagine himself in the British parliament a century ago, instead of in the American Congress of the present day, when he hears a speaker interrupted with the question, "But are not all the Territories to-day subject to the veto power of the Governors in whose selection the people have no part, and to the veto power of Congress also?" Just so reasoned Lord North; or not quite so bad, for the colonists were told they were represented as much as ninth-tenths of the people of Great Britain. The policy of our Government has been to admit new States as soon as any show of numerical strength was made, with little regard to the order, much less the morality, prevailing therein. California, Texas and Nevada are instances; and there are many others. The capital county of California had in three years committed over twelve hundred murders. What Texas was everybody knows. And yet President Jackson could say, in a letter to Sam Houston: "I congratulate Texas and the United States on this glorious result, on which depended the safety and prosperity of both Texas and the United States. I now behold the great American Eagle with her Stars and Stripes hovering over the Lone Star State, and with cheering voice welcoming it into our glorious Union," etc.! But we have been asked to consider the case of Florida. "I would like to ask the Senator from Ohio if he considers the act for the government of the Territory of Florida, unconstitutional, which vested the entire powers of government in one or more persons?" Senator Jones must have forgotten the complaint against the inhuman slave code by which Florida was governed while a Territory, which Government exerted all its powers to uphold, and to which it gave the full validity of its sanction when Florida became a State. He forgot also that Florida was admitted into the Union with a population of forty-eight thousand, (when Utah's population is between three and four times that number.) What now becomes of precedent?

Some fancy our policy toward Utah the same as that pursued toward Kansas, which was weaned from slavery before admitted into the Union. Strange parallel! Was it not the minority backed by the Government at Washington which defeated for so long a time the will of the people of Kansas? And does not Plymouth Pulpit which then sent rifles to Kansas now send its words of cheer to Utah? A free ballot and a fair count was what Kansas needed; a free ballot and a fair count is what Utah has never lacked,—until the recent wholesale disfranchisement of its citizens was authorized by the United States Government! And are we not in as great error in supposing that, because any kind of population, if opposed to slavery, was available in Kansas, any kind of population, if opposed to polygamy, is available in Utah?

Are we not mistaken in supposing that the principles of monarchy were reversed on this side of the Atlantic? Listen to Massachusetts, where was

"Fired the shot heard round the world."

"Mr. Chairman, we have the authority of Vattel for saying that the right of domain implies the right of empire, that owning the territory gives absolute jurisdiction, and hence full legislative power. What then becomes of this miserable quibble about territory and other property?" What a contrast between this utterance and Lord Chatham's: "There is no such thing, no such idea, in the Constitution as a supreme power operating on property"! But there is another clause of the constitution which is said to give Congress authority to act in this matter, equally with the one already quoted: "Congress shall have power to exercise exclusive legislation," "over all places, purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other buildings!" It is from this clause that the term "exclusive legislation" is taken which is so frequently met with in the speeches of Congress, and the decisions of the Supreme Court on this Mormon question! But it is as plain as day that this clause was never meant to include Territories, and it is the only clause in the Constitution which gives to Congress this right of "exclusive legislation." The other clause says nothing about "legislation" but speaks only of "rules" and "regulations," which was meant evidently to apply to territory in the literal sense, as property, and not in the figura-

tive sense, as persons. Any other construction is arbitrary in the extreme, and anywhere outside of Congress, or outside of this Mormon question, would pass for what it really is, a piece of word-jugglery.

I make bold to say that these are "the twin relics of barbarism,"—the two ideas, that ownership of land gives the right of absolute dominion, and the exercise of any power gives it sanction. It is no wonder Chief Justice Marshall was unable to state the clause of the Constitution whence this right to "govern the Territories" was derived. No such double fallacy is to be found in that instrument, as contained in this use of the words, "govern," and "Territory," whose meaning was revolutionized at the time of the Revolution, as may be learned from that once famous document, The Declaration of Independence. And in the Declaration of the Continental Congress of 1774 we read: "The English colonists are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved in all cases of taxation and internal polity." These of course are antiquated ideas now; but this clause under which Congress professes to derive its power over the Territories, had its origin in an ordinance passed under the Confederation; and can it be that the people of that time meant to place *American* colonists in a worse state of subjection than they themselves had been by confounding those colonists with "the territory or other property of the United States"? If we have any respect for our ancestors, we will answer, no! and a thousand times, no! And it must be observed, that there was no thought then of the large acquisitions of territory, and of the flow of emigration westward like the tides of the ocean, which have since followed. How changed are now the relations between the East and the West! Chancellor Kent over fifty years ago made this observation: that "it would afford a subject of grave consideration what will be the civil and political destiny of that country when its colonization should begin. According to the acts of Congress the colonists would be in a state of most complete subordination, and as dependent on the will of Congress as the people of this country would have been upon the King and Parliament of Great Britain, if they could have sustained their claim to bind us in all cases whatsoever. Such a state of absolute sovereignty on one hand, and of absolute dependence on the other, is not con-

genial with the free and independent spirit of our native institutions!"

To be still more specific. The Edmunds Bill in some of its provisions has been pronounced by some of the ablest minds, both in and out of Congress, as an *expost facto* law, and bill of attainder, both of which are expressly forbidden by the Constitution of the United States. It makes as a sufficient cause of challenge in a jury case, that a man "*is or ever has been* living in the practice of polygamy." A law has long been in operation which gave to the minority (one tenth of the population,) equal numbers with the majority on the juries. But this was not enough; the panel must be wholly anti-Mormon! Nay, not content with trying the Mormon with a court and jury composed wholly of his enemies, the frightful penalty of disfranchisement is visited on the polygamist, and not after trial before a competent tribunal, but without trial or hearing, by a Commission which requires the man to take an expurgatory oath covering his whole past life! And in this way twelve thousand persons, men and women, have been stripped of every one of their rights as citizens! And this Edmunds law was so vaguely drawn as to require to be supplemented by the judgments and rulings of the Commission, from which appeal has already been made to the Supreme Court of the United States, whose decision declares the board to have erred in its rulings. And yet the Court pronounces, or seems to pronounce, in favor of the constitutionality of this same law!

We always speak well of the officials sent to Utah, especially when there is the most cause for their removal. They are "staunch, incorruptible, and able," when they look on the Mormons as law breakers, to be punished with or without the forms of law. We read of disservice, self-seeking and treachery, in all other parts, but never in Utah. Politicians are in the habit of choosing the instant between two administrations for the exploiting of certain schemes, but this thing cannot take place in Utah. The raids recently made on Mormon homes, and the extraordinary rulings of the Courts, even under the Edmunds law, have nothing to do of course with the change of party supremacy. How gleeful are we over the thought, that the success of the Edmunds law has produced a Mormon panic! And we laugh when the Mormons call this persecution! Jas. G. Blaine withdrew his suit, begun in the State of Indiana, for the vindication of his own and

his family's honor, because, as he said, the party prejudice against him in that State was too strong for him to expect justice, even from the Courts! And yet Indiana is a State, and Utah a Territory, and Blaine has the sympathy of half a nation at least, while the Mormon has not the sympathy of a single soul! And this is what the American people call justice, fair play, republicanism! Civil Service Reform! What has that to do with Utah? There human infallibility, not inside, but outside of the Church is complete; there the loosest, most irresponsible acts and behavior, seen through the lens of anti-Mormon prejudice, are the adornments of office! Utah politics must be immaculate, for did they not spring from a party which an ungrateful country deposed from power, when its virtues shone with such a solar brightness?

PAST AND PRESENT.

What a mistake we make in thinking that the people of Utah are indebted to our fostering care and clemency, when they were the first settlers in that far-away region, were driven from our midst by mobs, and have been excluded from the benefits of the Union now for thirty long years! When beginning their western journey, we called on them for five hundred volunteers for the Mexican war; and when settled in their new home, we sent out an army against them under Buchanan's reign on a pretext of rebellion! And ever since we have sent hostile officials to rule over them! It will be remembered that Townsend said in the British Parliament, "The American Colonists have been planted by British care, nourished by British indulgence, and protected by British arms." To which Barre replied: "They planted by your care! No, your oppression planted them in America. They nourished by your indulgence! They grew up by your neglect of them. They protected by your arms! They have nobly taken up arms in your defence." But our treatment of the Mormons, when they were more strictly speaking citizens of the Union, is a part of the story, a most essential part. How the action of the Government to-day contrasts with its action then, may be seen from this extract from the report of the Congressional Committee on a petition from the Mormons at the time of their expulsion from Missouri. "The petition is drawn up at great length, and sets forth with feeling and eloquence the wrongs of which they complain, justifying their con-

duct and aggravating that of their enemies, whom they call their persecutors; and conclude by saying that they see no redress unless it be obtained of the Congress of the United States, to which they make their solemn last appeal, as American citizens, as Christians and as men,—to which decision they say they will submit." "The grievances complained of are alleged to have been done within the territory of the State of Missouri. The Committee under the circumstances have not considered themselves justified in inquiring into the truth or falsehood of the facts charged in the petition. It can never be presumed that a State either wants the power or lacks the disposition to redress the wrongs of any of its citizens, committed within her territory, whether they proceed from the lawless acts of her officers or any other persons." Fifteen thousand citizens expelled by mobs from a State, and robbed of millions of dollars worth of property, and the National Government no right to interfere! And this act repeated a second time, in Illinois, and the National Government is powerless to succor the distressed! Not even competent to "inquire into the truth or falsehood of the facts" complained of! That petition which has reposed all these years in the National Archives, rejected and condemned, has been honored at last by the assertion of the very principle for which it contended, by amendments to the Constitution of the United States, guarding the rights of the citizen in all of the States. But the Supremacy of the general Government does not mean unrestricted power. And may it not be, that the Mormon stands in the breach once more, as the defender of the Constitutional rights and liberties of the citizen?

As far back as 1850 Utah applied for admission into the Union. The Hon. R. C. Winthrop then said in Congress that its people were capable of self-government. And still we talk as if the Mormons had no case, and were not prompted by the instinct of freedom!

How unanimous were the colonies in resisting as an insult what appeared to be no offence then in the eyes of the world,—a reduction of an ancient duty of a shilling to one of three pence only! Nothing could bribe them into silently admitting the principle that taxation without representation was not tyranny. They were ready to cavil about the ninth part of a hair If Parliament could tax us, said the colonists, they could establish the Church of England, with its creeds, titles and ceremonies, and prohibit all other

churches, conventicles and schismatic shops. The speech of Joseph Warren, which Adams said did as much as anything to breathe the breath of liberty into this nation, was prompted by the unwarrantable seizure of papers, the invasion of domestic privacy by British officials. On the present Fourth of July the hundred and ninth anniversary of our Nation's Independence, how much of our jubilation will be due to the soul's grasp of principles. There will not, of course, be even a passing consciousness of the fact that we are behaving toward our colonies in nearly the same spirit Great Britain did toward her colonies, and that our acts bear so close a resemblance to the tyrannies specified in the Declaration of Independence!

Imposing taxes on us without our consent.

Depriving us in many cases of the benefits of trial by jury.

Taking away our Charters and altering fundamentally the forms of our government.

Obstructing the administration of justice by refusing the assent to laws for establishing judiciary powers.

Erecting a multitude of new offices, and sending hither swarms of officers to harrow our people and eat out their substance.

Keeping among us in times of peace standing armies without the consent of our people.

Endeavoring to prevent the population of these States; and for that purpose obstructing the laws for the naturalization of foreigners, and refusing to pass others to encourage their emigration hither, and raising the condition of new appropriations of land.

Dissolving Representative Houses for opposing with manly firmness his invasions on the rights of the people.

In every stage of these oppressions having petitioned for redress in the most humble terms, our repeated petitions have been answered only by repeated injuries.

CHAPTER VI.

The Great Mass Meeting.

THE PETITION.

This last Spring (1885) a mass meeting was held in Salt Lake City, at which a "Declaration and Protest" was addressed to "His Excellency the President and the People of the United States." The names of both sexes appear on the Committees: Mr. James Sharp nominated Wm. Jennings, T. G. Webber, Elias A. Smith, C. D. Brinton, Miss M. A. Cook and Dr. Romania B. Pratt as vice-presidents, and they were sustained. Assistant secretaries were next put in nomination and Mr. Wm. M. Stewart, of Draper, and Mrs. Cornelia H. Clayton, of Salt Lake City, were unanimously chosen. The Tabernacle Choir, of which there was a full attendance, sang, "O, say what is Truth?" in a spirited and effective manner.

A few extracts will show the drift of the document.

"Our rights as American citizens are trampled upon, and believing it our imperative duty, in the presence of such a danger, to protest against the gigantic evil which threatens not only our liberties, but the liberties of every freeman, we, in general mass meeting assembled, in the name of freedom, justice and humanity, make this appeal for relief and protection." "We are unpopular with our fellow countrymen; it is our religion which makes us so; we are a small minority in their midst, but we have yet to learn that these are grounds upon which to justify, in a land of liberty, the acts of oppression which we, as a people, from the beginning of our history have been made to suffer." "The authorities at Washington have disregarded our rights in the matter of local self-government. As early as 1849 the people of Utah formed a State constitution, and applied for admission into the Union. Their application was repeated, as conditions became more favorable, first in 1856, again in 1862, then in 1872, and lastly in 1882, and each time has been ignored.

"It has been the undeviating policy to send strangers into our midst as governors, judges, prosecuting attorneys and marshals,

men who, with honorable exceptions, had no interest in the common welfare. We complain not only of the personal character of these officials, and that they have acted the part of petty despots among us, trampling on our liberties, assuming prerogatives they never could presume to exercise except among so unpopular a people, and haughtily ignoring our rights and feelings, but also that where this disposition has not been sufficiently pronounced, popular clamor, tending to engender and develop it, has been so strong that fair-minded just men have enjoyed but short terms of office, while those who possessed the one qualification of hatred of the 'Mormon' people were kept secure in seats which they almost daily disgraced."

"Our numerous petitions, protests and memorials in our own defence have been usually passed over unnoticed, while petitions urging governmental action against us, from religious denominations, unacquainted with us except from heresay, have been accorded consideration and generally acted upon. Sixty-five thousand names appended to a document asking for an investigation of the Utah situation before the Edmunds act should be passed—the signatures of the people directly interested, were cast aside as of no moment, and the odious law was pushed to its consummation.

"The present Governor especially, has acted the part of a petty tyrant.

"In his official messages and reports, in his contributions to the press, and in his public addresses, he has persistently misrepresented the state of affairs in Utah, and seized upon every opportunity to arouse popular prejudice and hatred against her people.

"He sought to defeat the expressed will of the people by declaring a man receiving 1,357 votes elected over one for whom 18,568 votes were cast.

"He endeavored without authority of law to displace the officers of the Territory elected by the people, and fill their places with men of his own appointing.

"He has accused us of a lack of interest in educational matters, but when a bill was passed by our Legislature appropriating money to build a University, he refused to sign it; the building, however, was erected with means advanced by private citizens and stands a monument to his shame.

"The Edmunds act contemplates the discontinuance of the Utah Commission so soon as the Territorial Legislature should provide

for filling the registration and election offices under the local laws; but when a bill was submitted to the Governor providing for this, in full conformity to the Edmunds law and other acts of Congress, he vetoed the bill and thus continued the Commissioners in office, contrary to the intention of Congress, to the annoyance of the people of Utah, and at great expense to the nation.

"The Commissioners appointed under the Edmunds law have grossly abused the authority conferred upon them, and have usurped extraordinary, illegal and arbitrary powers. While their sole duty under the law was to appoint registration and election officers, and to canvass the returns and issue certificates of election to members of the Legislative Assembly, they have illegally assumed to exercise important legislative and judicial functions.

"The Edmunds law, which not only provides for the punishment of polygamy, but also cohabitation with more than one woman, whether in the marriage relation or outside of it, is made to operate upon one class of people only—the 'Mormons;'—and yet of the non-Mormon class who transgress the law the name is legion.

"The paramour of mistresses and harlots, secure from prosecution, walks the streets in open day. No United States official puts a 'spotter' on his trail, or makes an effort to drag his deeds of shame and guilt before a judge and jury for investigation and punishment. But note the contrast:

"In Utah, Idaho and Arizona a concerted assault is made upon the 'Mormon' people.

"'Spotters' and spies dog their footsteps. Delators thrust themselves into bed-chambers and watch at windows. Children are questioned upon the streets as to the marital relations of their parents. Families are dragged before Commissioners and grand juries, and on pain of punishment for contempt, are compelled to testify against their fathers and husbands. Modest women are made to answer shamefully indecent questions as to the sexual relation of man and woman. Attempts are made to bribe men to work up cases against their neighbors. Notoriously disreputable characters are employed to spy into men's family relations.

"We protest against a continuance of Territorial bondage, subversive of the rights of freemen and contrary to the spirit of American institutions.

"We protest against special legislation, the result of popular prejudice and religious interference.

"We protest against the conscience of one class of citizens being made the criterion by which to judge another.

"We protest against the tyranny of Federal officials, and the continuance in office of men who disgrace their positions and use their official powers as a means of oppression.

"We protest against the prosecution of persons, many of whom are infirm and aged, who entered into plural marriage before it was declared a crime and have never violated any law.

"We protest against the breaking up of family relations formed previous to the passage of the Edmunds law, and the depriving of women and children of the support and protection of their husbands and fathers.

"We protest against the partial administration of the Edmunds law—the punishing of one class for practising their religion, and exempting from prosecution the votaries of lust and crime.

"The overwhelming majority of the 'Mormon' people are monogamists, and but a small percentage are even suspected of violating the law. In the name of this great majority, we pray that this unusual, cruel and partial administration of the law shall cease.

"If the 'conscience of the people' demand that the law be enforced, let it be enforced in all the Territories and in the District of Columbia as well as in Utah—upon Jew and Gentile as well as upon the 'Mormon.'"

SPEECHES.

The spirit of the meeting is seen in the following extracts from speeches delivered.

The Honorable John T. Caine, the Mormon delegate to Congress, said:

"Time will not permit me to follow the journeying of our people across the plains, to recite the hardships they endured, nor recount the many acts of heroism displayed during that weary march. Suffice it to say, that nearly thirty-eight years ago a little band of American citizens, the pioneers of a homeless people, began the work of reclaiming the desert valley of the Great Salt Lake. One of their first acts, after returning thanks to Almighty God, who had preserved them from the perils of famine, disease, and savage foes, was to scale Ensign Peak and unfurl to the breeze the American flag. They were then on the soil of Mexico, with whom the

United States were at war. They thus virtually took possession of this country in the name of the United States.

"Notwithstanding the forbidding surroundings, the young colony grew and prospered. The 'Mormon' pioneers were an agricultural and pastoral people. They believed that the sure and permanent foundation of a community's wealth and greatness was in tilling the soil. They stood firm to their faith through all the mad excitement of 1849, and succeeding years.

"The people of Utah prospered. The work of reclaiming the desert was an arduous undertaking. Irrigation necessitated engineering skill and vast labor. We were, individually and collectively, without capital, other than physical strength, industry, patience, perseverance and a confident reliance upon Him who had led us to this promised land. Our labors were rewarded beyond our expectation.

"But evil days were soon to come again. Federal officials, strangers to our faith, men having no interest in common with our people, were sent amongst us. One who disgraced the ermine he so unworthily wore, in the hope of warding off the disgrace his misconduct merited, spread in the east false and unfounded stories of 'Mormon' disloyalty and 'Mormon' wickedness. The accusations were months in reaching the ears of the accused.

"The Federal authorities acted hastily and improvidently. An army was sent to chastise an unoffending people, to subdue an imaginary insurrection. It is not necessary to dwell on the oft told tale. The wrong meditated resulted to our advantage.

"In 1849 a form of civil government was demanded. The people were of one religious faith. Their church organization, acknowledged to be the most perfect in existence, was complete. Here was an excellent opportunity to establish an ecclesiastical government. Not a government of Church and State of which carpers prate so much, but a government of the Church without the State. For there was no State. Was such a government organized? It was not. On the contrary, a convention was called, to which delegates were appointed, who when they met adopted a constitution, modelled after the constitutions of other States. It was republican not only in form but in essence. We designated it a provisional government and resolved that it should supply our wants 'until the Congress of the United States should otherwise provide.' Remember, that no form of Government had at this time

been provided for any portion of the vast territory acquired from Mexico by the treaty of Guadalupe Hidalgo, two years previous. All civil organizations originating from the Republic of Mexico, became abrogated by that treaty. We then declared that 'civil government and laws are necessary for the security, peace and prosperity of society.' We declared further, that 'it is a fundamental principle in all republican governments, that all political power is inherent in the people; and a government instituted for their protection, security and benefit, should emanate from the same.' Does this sound like a union of Church and State? I think not.

"When the Edmunds bill was passed it was condemned by the anti-Mormon ring in Utah. It did not go far enough. It brought trouble upon the 'Mormons,' but it did not help the clique of hungry adventurers. It gave them neither office nor appropriation. Little or no effort was made to enforce the criminal provision of that law till after the election of President Cleveland. When it was thought that all hopes of the passage of the legislative commission scheme were lost, an effort had to be made to retain the present Republican office-holders. They must render themselves indispensable to the country. They have sought to create a public sentiment in their favor, which would prevent the President from removing them.

"It is the wrong which the people of this Territory have suffered and are still suffering, from the tyrannical conduct of Federal officials, that we are here to consider. Let us proceed to their consideration with candor and sobriety; ever remembering that we are American citizens and free men, not slaves. For myself I will say that while I respect and reverence the Constitution and laws of my country, while I am devoted to republican institutions, and bow to the majesty of the law, my patriotism does not require me to cringe and bow, or do the bidding of every Federal official in our midst who chooses to set up a Gesler's cap. We are here in the interest of peace, to declare our grievances and ask for redress. We hope that our petition will be listened to and our reasonable request granted. But if not we shall have done our duty, to ourselves and our children. Let us hand down to them unsullied, so far as in our power, the glorious heritage of American liberty."

John Q. Cannon: "It is possible that there are some who doubt

the wisdom of thus boldly presenting our case. There may be some who are unable to see wherein the innocent, as they call them, have any cause to complain; who could only wish that business was not quite so disturbed nor trade so dull; who can only anticipate from this movement one result—that those who put themselves on record as sympathizing with the accused class of the community will themselves be placed under the ban for their pains. They would recommend a graceful yielding to the public pressure, a deference to the opinions of men hundreds or thousands of miles away, who know nothing for themselves of our practices and belief and who would erect their consciences as the unchangeable standard by which to judge other men's morality. Beware of such false friends. The nation can ill afford to number many such citizens. They are an element of weakness in any community or country of which they are a party. Their friendship is fickle as the wind, their patriotism a mere sentiment of expediency. Principle with them is outweighed by policy, and in order to preserve peace and avoid friction they would prefer to make any concession, to crook the pregnant hinges of the knee at any despot's bidding. But the great bulk of our people are made of sterner stuff. They have not breathed in vain the pure, free air of the mountains in which they are intrenched, and have learned to most heartily hate every stripe of tyranny whether coming from the great or the insignificant. We revere the memory of the fathers who protested and at last rebelled against the oppression which the parent government sought to exercise. We find much to admire in the manly stand they took in resisting each new imposition of obnoxious laws and regulations. We read with quick-drawn breath and bounding pulse of their seven long, trying years of fighting, weakened by hardship and bowed down with disappointment. We glory in their final triumph over every obstacle. Then when they had shaken off the foreign yoke and were free, without knowing exactly what to do with their freedom, and we wonder how they will use the prize so dearly won, our profoundest admiration is challenged by the glorious instrument their brightest minds framed, and we thank God daily for such ancestors, such rare manhood and such a Constitution. We teach our children that the American flag is their flag, and that they must never brook an insult to it. They grow up to regard America as the land of the free, where every man is guaranteed every legitimate right. What

must be their feelings when they see the fathers who taught them patriotism, hunted and persecuted like the vilest felons, and the pure mothers at whose knees they lisped their earliest prayers, branded with a name of infamy, and all under cover of constitutional law? Who can expect them to maintain that high respect for the law which all should have, when they hear its officers declare that certain enactments are not aimed at vice but at the practice of a principle of religion! How can they explain the acts of those who from pulpit, press and platform loudly demand the execution of the law in Utah, but who wink at greater evils nearer home, unless they are allowed to regard them as busy hypocrites? What can be said in defence of the heartless, hungry crowd who wish to see a whole community, industrious, happy and prosperous though they may be, uprooted and scattered because a small percentage of their numbers are found to be living in a marital state which Congress declares to be criminal."

Hon. F. S. Richards: "We are not here to-day for the purpose of revolution, nor to declare our independence from the general government. We are the sons and daughters, by birth or by adoption, of noble revolutionary sires who stamped their characters upon the pillars of their age, and poured their heart's blood into the channels of the public prosperity, that they might bequeath to us the precious heritage of freedom and religious liberty. (Applause.) We are not slaves nor vassals. We do not appeal to our countrymen as supplicants for mercy, but as their peers we call to them for justice. We have been grossly abused and sorely oppressed."

"It has been proclaimed this very day, by counsel for the prosecution, within the temple consecrated to Justice, that the object of this law was not to prohibit brothels, nor to punish sexual crimes —that it was simply and solely to prevent a man from living with two or more women as his wives. If this be so, a man may live with any number of women as his mistresses and yet not violate the law so long as he acknowledges but one as his wife. And such is the great moral measure which was to purify the 'Mormon' social atmosphere! What a spectacle!

"I am not here to call in question the ruling of the Court in this matter. The precedent which has been established will remain the law in that Court until reversed by another judge, or overruled by the decision of a superior court. But while I am

willing to accord all the deference which a citizen, or a sworn member of the bar, is required to give to judicial interpretations, I cannot feel that I am annihilated, nor am I willing to be silenced by these decisions. On the contrary, I propose that here and now, with one resounding voice, we appeal from that decision to the great American people. (Loud and prolonged applause.)

"In conclusion I have to say that whatever may be the result of what we shall do this day, time will vindicate our action, and history will do us justice. From the bigotry and darkness of to-day we appeal to the sunlight and intelligence of the great to-morrow. The spears of oppression are pointed against us and present a solid front, but a just and merciful Providence will part them and the phalanx will break. I have not the prophetic vision to see what Almighty God has in store for you and me, but of this there can be no doubt—somewhere in His sublime omniscience He has perfect justice for us all.

Junius F. Wells: "By the action of those who do not know us we are crowded into a corner where it is expected we shall assume a position of compliance with the prejudiced feeling that stigmatizes us; bow our heads in shame; acknowledge that our parents made a mistake in bringing us upon the earth; and that the craven and cowardly feeling which led to the enactment of the law against us is right. There are some few—I blush to acknowledge it—who perhaps feel thus in their hearts; they are not many; but as for me, while life and reason last, I can but maintain that I have a right to be here; that I have the right, and that it is my duty to acknowledge the virtue and the honor of my parentage, for I know that my father is a man of honor; I know that my mother is a woman of virtue. (Loud and prolonged applause.)

"I see, however, to-day as I never saw before the application of that command that came from God to his children in an early day: 'Honor thy father and thy mother that thy days may be long in the land which the Lord thy God giveth thee.' (Applause.) God gave us this land. He led our fathers from the States where they were persecuted—not for polygamy, but for righteousness' sake, for their faith, for their religion—and gave them this land in which we have come forth and which we own, which we esteem, which we love as our native land. These mountains, these valleys, these streams and lakes; this, the choicest of all lands, God has given

to us. But He has said in this commandment in order that we may live long in it we must honor our fathers and mothers. (Applause.) How shall we be deserving of the heritage that he has marked out for us? Let us maintain the fact that our homes are worth more to us than life.

"It is said by those who administer the law here that the enactment of the law and decision of the courts is the end of the matter. How is it with you and with me? The law has named something a crime that I know, as I know that I am, is not a crime. (Applause.) It has never been when prescribed and practised under divine commandment a crime. It will never be while time and eternity last a crime, and for one I expect to see the law that calls it a crime repealed. (Loud applause.) There is down in the bottom of things eternal justice, and it will claim its own. (Applause.) And when that day shall come, my friends and fellow citizens, sons and daughters of 'Mormon' polygamy—when that day of justice shall come we shall be known and acknowledged in society and throughout our native land as legitimate, and deserving the universal respect due to merit." (Loud and prolonged applause.)

B. H. Roberts: "It is stated in our Declaration of Grievances that plural marriage was publicly taught and publicly practised in all good faith by the Latter-Day Saints ten years before any law of Congress was enacted against it, and that after the law of Congress was enacted it was generally believed to be unconstitutional, not only by the people here, but judging from the acts of Federal officials, it would appear that they, too, doubted its constitutionality. So that we were twenty-seven years without knowing that there was a constitutional law prohibiting this part and this feature of our religion. During that twenty-seven years we might say a new civilization sprung up, based upon the idea of the right of a man to have, under proper circumstances, more than one wife. Women whose virtue cannot be questioned (applause); women whose moral senses had not been blunted; women of the purest character—character based upon a high Christian education—entered into that principle with honesty of heart, believing that they were doing God's will. (Applause.) A numerous offspring was the result of their union, as if God Almighty himself wished specially to set His seal of approval upon that order of marriage—

(applause)—and thus around this institution grew up homes, and although they may be different from the home of the capitalist in the east, or the people abroad, nevertheless they are homes. (Applause.) That word home has ever been dear to Anglo-Saxon people; and in those homes all the sanctity that abides about him anywhere is to be found. These institutions are not brothels where foster the vile and loathsome diseases that are cursing the human race; these homes are not harems where dwell the unwilling victims of insatiate lust; but these are homes where Christian principles are inculcated, and where the moral precepts of the gospel of the immaculate Redeemer are practised and revered. (Applause.) Tell me if you can, when have oppressive measures controlled the consciences of men successfully, and caused them to deny that which they honestly believed to be the word and the will of God? For over three centuries the scarlet-robed mistress of the world—the empire of Rome—waged an ungodly warfare against the numerically insignificant Christians. They sawed them asunder; they cast them into dens of wild beasts to be torn apart; they passed prescriptive law after prescriptive law, and oppressed them in every conceivable manner, but they were unable to crush out that which they believed God had revealed. (Applause.) After their history is passed, you come down to the dark ages, when men began to think differently from the established ideas of the large majority of the world, and in order to reform these turbulent persons as they were esteemed, the inquisition was called into requisition. Thumbscrews, racks, gibbets, and every instrument that the ingenuity of man could invent to inflict punishment upon his fellow man was brought to contend against the faith of those reformers. But did it prevail? No. In spite of the effort of popery, the Reformation, though baptized in blood, worked its way in the hearts of the honest and was established. Now, I am no prophet, I lay claim to no prophetic powers, but in the prediction that I am going to make, I am willing that my judgment be guided by the lamp of experience, I am willing to judge the future by the past, and in doing that I solemnly proclaim to you that these oppressive measures enacted against this people will not accomplish the object for which they were established. (Great applause.)